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THE HISTORY

OF

CIVILISATION IN SCOTLAND.

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OF

CIVILISATION IN SCOTLAND.

BY

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Author of "The Story of Scotland," "The Revolution of 1688 and Viscount Dundee," "The Highland Land Question Historically Considered," "History of the Valley of the Dee," Etc.

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THE

HISTORY OF CIVILISATION IN SCOTLAND.

CHAPTER XXIV.

Influence of the Union of the Crowns upon Scotland.

AT the opening of this period, it may be recalled that it was not the head of the Government who reformed the Church in Scotland. The change of religion was carried through in opposition to Queen Mary and the representatives of her rights; while her son only accepted the reformed doctrines. From his youth, indeed, he had manifested a strong aversion to the polity of the Reformed Church of his kingdom. In past times the Crown had always found support from its connection with the hierarchy; and nothing was more natural than that James VI. should endeavour to restore Episcopacy whenever he could command the power to do so. He was inflexibly possessed with the idea that Episcopacy must be established in Scotland; but the means which he employed to attain this end were unwise and short-sighted. He was convinced that kingly government could not exist side by side with a Presbyterian Church; and he had mused so long on this view of the matter, that at last it assumed the place of an idol in his mind. This unfortunately became the foremost tenet in the political creed of the Stuarts, and eventually issued in the fall of their dynasty.

The influence of the union of the Crowns was soon felt. In the hands of a really wise ruler, this union might have been rendered highly beneficial to both nations; but James had too much faith in his own opinion and in his royal prerogatives; his adherence to these in face of the adverse elements of thought and feeling among the people, led on to a course of policy which tended to extinguish the freedom and the rights of the nation.

After the union of the Crowns the government of Scotland was conducted by the Privy Council. This body consisted of the chief official members, including John Graham, third Earl of Montrose, who was Lord High Chancellor and Chief or Prime Minister till March, 1605, and then Lord High Commissioner. He was succeeded in the Chancellorship by Alexander Seton, previously known as Lord Fyvie, and President of the Court of Session; he was created Earl of Dunfermline on the 4th of March, 1605, and then became chief minister or official head of the Privy Council. Sir George Home of Spott, had been Lord High Treasurer of Scotland since 1601, and having accompanied the King to England, he became a special favourite, and in March, 1605, was created Earl of Dunbar. Although he retained his Scottish office, he was the chief Scottish minister at the English Court, and sent to Scotland as the King's envoy when any measure of special importance was to be carried into effect; and although he only appeared occasionally at the meetings of the Scottish Privy Council, yet his influence in the government was frequently dominant. James Elphinstone, created Lord Balmerino on the 25th April, 1604, was Secretary of State; and after March 1605, he was also President of the Court of Session. He was a very active member of the Council, and attended many of its meetings. David Murray, created Lord Scone in 1604, held the office of Comptroller. Sir Richard Cockburn of Clerkington, one of the Lords of the Court of Session, filled the office of the Lord Privy Seal; while Sir John Skene of Curriehill, also one of the Lords of Session, held the office of Clerk Register. Sir John Cockburn of Ormiston, was Justice Clerk; and Sir Thomas Hamilton of Monkland, was Lord Advocate. The preceding members of the Council formed the official ministry. The total number of names in the list of Privy Councillors was ninety-three, and consisted of nobles, lawyers, lairds, and bishops. But only about one half of these usually attended the meetings of the Council. After the chief officials or ministry as indicated above, the members most regular in their attendance at the meetings of the Council were the following:—John Bothwell, Commendator of Holyroodhouse, one of the Lords of Session, who was created Lord Holyroodhouse on the 20th of December, 1607; Peter Rollock, an Extraordinary Lord of Session, and for several years titular bishop of Dunkeld; Mark Ker, Lord Newbattle, and created Earl of Lothian on the 10th day of July, 1606; Sir Archibald Douglas of Whittinghame, one of the Lords of Session; Alexander

Elphinstone, Master of Elphinstone, son of Lord Elphinstone; Andrew Stewart, fourth Lord of Ochiltree; David Lindsay, Bishop of Ross; Alexander Hay of Fosterseat, one of the Lords of Session; Sir Robert Melvill of Bruntisland, an Extraordinary Lord of Session; Sir Robert Melvill of Murdocairny, an Extraordinary Lord of Session, and father of the preceding; Walter Stewart, Commendator of Blantyre, and created Lord Blantyre in 1606; William Douglas, Earl of Angus; Sir James Scrymgeour of Dudhope, Constable of Dundee; John Spottiswood, Archbishop of Glasgow; Alexander Elphinstone, fourth Lord Elphinstone; Sir William Livingstone of Kilsyth, a Lord of Session; John Erskine, Earl of Mar; John Kennedy, fifth Earl of Cassillis; Earl Marischal; Patrick Lyon, Lord Glamis, and created Earl of Kinghorn in July 1606; Robert Ker, Lord Roseburgh; Alexander Livingston, first Earl of Linlithgow; Robert Ker, Master of Lothian, son of the Earl of Lothian; Francis Hay, ninth Earl of Errol; Sir James Hay of Fingask; Kenneth MacKenzie of Kintail; James Hamilton, Master of Paisley, and created Earl of Abercorn on the 10th of July 1606; and George Gledstanes, Archbishop of St. Andrews.

These men, it may be said, formed the body who were mainly responsible for the policy of the government of Scotland. But it must be stated, that they were merely the agents of this policy, which directly emanated from the King himself, and the evidence that such was the case is, in fact, very complete. Immediately after James VI. ascended the throne of England, he became fully conscious of his enormous accession of new power over the people of Scotland, and the effects of this upon the Scottish nation were for a time almost incredible. James declared that it was himself, and no one else, who sent from England the messages by which Scotland was governed. In a speech which he delivered to the English Parliament on the 31st of March, 1607, having embraced the occasion to contrast the easy way in which he continued to rule Scotland with the difficulties he had experienced in England, he uttered the following words:—"This I must say for Scotland, and may truly vaunt it: here I sit and govern it with my pen: I write, and it is done; and by a Clerk of the Council I govern Scotland now, which others could not do by the sword." This was really the truth. For King James in his communications with the Scottish Council always addressed the members in the tone of an imperious and absolute master; and they humbly yielded to the royal will, and became the mere tools of the

King. It is surprising to find in the records how submissively the Council bowed before him. In short, James VI. assumed and exercised a despotic control over the Privy Council and the proceedings of Parliament, as will appear in the sequel.

In the beginning of the year 1610, the Privy Council was recast. The Council as then remodelled, was in future to consist of thirty-five persons and no more, each to be specially nominated by the King, and of whom seven were to be a quorum. The Council was to hold two meetings every week, one to deal with matters of State, and the other with judicial business; and no one but the Councillors themselves and the Clerk of Council were to be present at the meetings. Any Councillor absent from four consecutive meetings without leave, or allowing himself to remain at the horn for debt or any other cause unrelaxed for forty days, or failed to give proof of sound churchmanship by receiving the communion at least once a year, was to be deprived of his office. The thirty-five men of the new Council had all been members of the old one, excepting George Young, archdeacon of St. Andrews, who was a new member. The Council continued, as before, to be the mere agent of the King's will. For James had succeeded in introducing a system of monarchical absolutism. From the highest Councillors to the humblest of the officials, they were all equally the puppets of their absent King, executing his commands in everything to the utmost of their ability, and trembling for fear of his mere rebuke. In May, 1608, the King it appears was displeased at some recent evasiveness of the Council, and had sent them one of his rebukes, and also proposed a remedy for the future. He then commanded that the votes of the Council on any special matter of his service, should no longer be given by an unrecorded show of hands at the Council Board; but each Councillor's vote, "Ay or No," on whatever motion might be before the Board, was to be carefully recorded, and all such records were to be duly certified by the Chancellor and the Secretary, and then despatched to his Majesty,—"that so we may discern the goats from the sheep."[1]

Immediately after James VI. ascended the throne of England, he called the Borders the "Middle Shires of Great Britain," and ordained that henceforth the elements of disorder which had so long prevailed

[1] *Register of the Privy Council*, Vol. VII., pp. 15-28, *Intro.*, Vol. VIII., pp. 12-14, *et seq.*

in this region, and the rude customs of the inhabitants, were to be extirpated. The real effort to settle the Borders was begun in March, 1605. At this time ten commissioners, five English and five Scottish, were appointed to the full charge of the English counties of Northumberland, Cumberland, Westmoreland, and part of Durham, and of the Scottish counties of Berwick, Roxburgh, Dumfries, Selkirk, Peebles, and the Stewartries of Kirkcudbright and Annandale. These were empowered to meet as they thought fit, six to be a quorum, and to take the most effective means for the prevention and punishment of murders, felonies, riots, and all disorders within those territories. The English commissioners were Sir Wilfrid Lawson, Sir Robert Dolabel, Sir William Selby, Joseph Pennington, Esq., and Edward Gray of Morpeth; the Scottish commissioners were Sir William Seton, Sir William Horne, Patrick Chirnside of East Nisbet, Robert Charters of Annisfield, and Gideon Murray of Elibank. The conjoint commissioners elected Sir Wilfrid Lawson, their President for three months. On the English side, a company of horsemen was placed under the command of Sir Henry Leigh, and on the Scottish side a company of twenty-five horsemen was under the command of Sir William Cranstoun, and these mounted men were to assist the Commissioners as police in bringing the guilty to justice.

The Commissioners agreed on regulations for their common procedure, which were of the following import:—"It is agreed that concerning old feuds between the two countries there should be a general assurance. It is agreed that old feuds shall be put to agreement, or else the offending parties to be confined—the Englishmen in Edinburgh, and the Scotsmen in Newcastle, until they will agree, and meantime the parties to be bound to keep the peace; and, for the new feuds, that justice shall be executed upon the offenders according to the laws reciprocally.

"It is agreed that, if any Englishman strike a Scotsman, or a Scotsman strike an Englishman, with a weapon, the party offending shall be committed to the nearest prison, and there to remain for three days without bail; and if the said parties shall strike with any weapon, then to place them in prison for twenty days without bail; and if that the party be hurt, then he shall not be delivered at the end of the twenty days until he make such further satisfaction to the party hurt as the Commissioners who committed him shall think fit; but, if the hurt fall out to be a maiming, then that the party offending

shall not be delivered after the twenty days' imprisonment until he perform the order of two of his Majesty's Commissioners for satisfaction of the party maimed ; and if death follow, then the offender to receive his punishment according to his Majesty's laws reciprocally.

"It is agreed that, if any Englishman steal in Scotland, or a Scotsman steal in England, any goods amounting to the value of 12d., he shall be punished by death, and that all accessories to such felonies, viz., outputting and resetting, shall likewise suffer death for the same."

It was also agreed that proclamation should be made warning all the inhabitants within the bounds of the Commissioners, "saving noblemen and gentlemen unsuspected of felony and theft and not belonging to broken clans, should put away all armour and weapons, both offensive and defensive, such as jacks, spears, lances, swords, daggers, stellcaps, hauberks, pistols, and such like, before the 20th of May next, under the penalty of confiscation of the same and imprisonment during his Majesty's pleasure : and that no one of whatever calling should wear or carry any arms, except in his Majesty's service : and that after the above date they should not keep any horse above the value of fifty shillings sterling, or thirty pounds Scots under the like penalty and imprisonment."

As these Commissioners, "intended not only to punish and root out all malefactors for the present, but also to continue a severe course of justice by fit ministers for the perpetual preservation of these districts in peace and justice ; they therefore charge all persons who have cause of complaint against any one for murder, burglaries, felonies, or misdemeanours, or any who have compounded for such offences for friendship, money, or any other consideration, to send in information to the Commissioners, so that they may receive justice."

The Commissioners proceeded vigorously with the work assigned to them. They found great difficulties on many points, especially in the matter of the old and new feuds which were so numerous. The Commissioners frequently sought advice from the Scottish Privy Council in the form of questions, as touching feuds :—Question : "The nature of old feuds is of two sorts. And first, as to the one of that quality in which the whole parties committers of blood and slaughter, hence from here are departed this life, yet grudge remaining among the parties' posterity unreconciled. *In hoc genere*

quomodo procedendum? whether with the band of keeping his Majesty's common peace, or forcing them to subject themselves to arbitrament for reconciliation? Answer: The Commissioners to deal with this matter as they think most fit for the peace of the country.

"Question: A second sort of feud is when some of either, or at least of the one, party are yet alive who has been art, or part, or actual doers in the old feud,—some possibly clad with remission and others without it. In these old causes, first, *utrum par erit ratio utriusque necne?* next, if with them we shall proceed likewise to enforce agreement, or otherwise content ourselves with the band of his Majesty's common peace? Answer: The Lords think that in old feuds of this nature the Commissioners should charge the parties with the band of the general peace.

"Question: Is new feuds conceived always of that nature to be before the devolution of both the Crowns in his Majesty's royal person? Because since then we understand no proceeding in deeds of blood but by justice:—First, whether in those anterior to his Majesty's reception of both the Crowns we shall proceed with justice where there is no remission, or, after the enforcing of both the parties to his Majesty's common peace, we shall proceed causing submission of arbitrament to be made, though unsuited by any of the parties, or not? Next, when slaughter and blood having been reciprocal in some degree all alike, the one party being clad with remission by favour, and the other wanting it, or the one committing the slaughter under colour of law, and the other without the same, what shall we do therein? Last, where the party offended being willing to receive satisfaction and craving the same, if we may compel the party offender to offer and do reason? Answer: Where no remission is produced, the Commissioners to do justice according to their commission; where there is remission, they shall take caution of the criminals to satisfy the party offended; and where the party craves satisfaction the Commissioners shall cause the offenders to find caution for satisfaction and see that all be bound to keep the common peace."

The preceding quotations will give some idea of the complexity and difficulty of the task which the Commissioners had to execute. There is ample evidence that the Commissioners conscientiously endeavoured to do their work, and not infrequently showed a leaning to the side of mercy, an instance or two of which may be presented. As indicated in a preceding page, the Commissioners'

instructions regarding the punishment of theft were very severe, still they reported some cases for the opinion of the Scottish Privy Council. Thus "one called Thome Armstrong, a proper young man, to whom neither new nor old thift have been known heretofore, but very suspicious for not being settled to any good calling,—charged for the art and part of the stelling of a horse, and convicted by a jury for the same; and by chance upon the morning after the conviction, the owner of the said horse coming to Peebles said that although Thome Armstrong was universally presumed to have been art and part in the stelling of his horse, that by his knowledge he understood Armstrong had nothing to do with the case:—continued upon presumption of his innocence." Answer of the Privy Council—"The Lords ordains the Commissioners to do justice upon this Thome Armstrong," that was to hang him. Again "one called Richie Elliot of Heuchhouse, indicted only for stelling one sheep and convicted of the same, without anything more, either new or old, layed to his charge:—continued in respect of the meanness of the crime, nothwithstanding our ordinances bears new thift to be punished to the death when passing the value of twelvepence sterling." Answer of the Privy Council—"The Lords ordains the Commissioners to keep their own act in this matter," that was to hang the man.

At the end of the first year, on the 17th day of May, 1606, the Commissioners appeared personally before the Privy Council at Edinburgh and reported their proceedings. It appeared that they had executed "by water and gallows thirty-two persons;" and banished from the kingdom fifteen persons; while one hundred and sixty were declared to be fugitive outlaws, who should be pursued with hue and cry wherever they have dispersed themselves. All persons who had resetted or in any way assisted the outlawed fugitives, were to be subjected to severe penalties. In the month of October, 1606, the Commissioners reported that they had executed other fifteen persons in Dumfries, Annan, and Jedburgh. At the end of this year, the number of fugitives from the law, whose names were to be advertised on the market crosses of all the towns and the doors of all the parish churches, then amounted to one thousand and three hundred. There can be no doubt that there was much rough and severe work. On the 15th of December, 1606, the King signed an Act of Indemnity in favour of Sir William Cranstoun, who had command of the mounted police, and which exonerated him for all the things

hitherto done by him in his office in the Marches, including his summary execution of outlaws and prisoners without form of trial. In this Act the King said:—"Our well-beloved Sir William Cranstoun, Captain of the garrison appointed to attend our service of quieting and bringing to obedience of those Middle Shires of this Island, has in that his charge most dutifully done us very good service . . . since the necessity of the service in which he was employed, and many sudden incidents that must needs often occur therein, might not always permit those prolix forms used in the civil parts of the kingdom, but often, for the advancement of the service, and that by the retaining of the numbers of outlaws who would oftimes be at once apprehended, and spending time in conveying them to prisons, in the mean season the good occasion and opportunity of affecting better service should slip or be omitted, and therewith the consideration of the unsecurity of himself and his company to have the charge of too many prisoners desperate of their life or pardon all at once, moved the said Sir William often times summarily to make a quick despatch of a great many notable and notorious thieves by putting them to instant death without any preceding trial by jury, or any conviction or doom . . . And he being directed by us as surgeon to make incision and cut away the rotten and cankered members and flesh in those parts of our kingdom, however the cure perhaps has been to the other members some way grievous, yet his intention in the doing of it was so dutifully grounded, and his work therein having produced so much benefit to those parts, it carries no reason at all in the after ages any of his evil willers should then forge and pretend any matter of action, challenge, or accusation against him for any point of service done by him during his employment." From this, it must be inferred that the actual havoc of human life during the years 1605-6 was much greater than appears in the existing record.

On the 2nd of August, 1607, a new Commission of Justiciary over the late Marches was given to the Earl of Dunbar and the Earl of Cumberland, which empowered them to act as they thought fit for establishing and preserving peace in the "Middle Shires of Great Britain." Power was also given to them to muster all the force in these bounds, and the disposal of the men and horsemen placed under them by the King, for preserving the peace and apprehending malefactors. Seeing that the execution of the Commission would be very difficult and required great care, Sir William Seton, Sir

William Cranstoun, Sir Robert Charteris, Sir Gideon Murray, and Sir William Selby, Sir Wilfred Lawson, Sir John Fenwick, and Sir Christopher Pickering, were commanded to assist the two chief Commissioners to the utmost of their power.

But the main part of the work of reducing the unruly inhabitants of the Borders was now nearly accomplished; and the vigorous and continuous proceedings of the new Commissioners, with the Earl of Dunbar at their head, and Sir William Cranstoun, captain of the garrison and mounted men, soon completed it. The unruly families and men of the Borders were hunted down, captured, and many of them slain at once, without question or trial of any kind; others were imprisoned, tried, condemned, and executed; some were banished; a very large number fled from their former homes and haunts, and hid themselves in the hope of escaping the doom which hung over them; and then their goods were seized and their dwellings burned; while those who remained were disarmed and deprived of their weapons, and all were bound under cautions and severe penalties to keep the peace. Thus, the traditional habits and the unruly spirit of the inhabitants of the Borders—the result of ages of anarchy, generated by external conditions, were interrupted and effectively shaken; and under new conditions and modified circumstances, these people became orderly and peaceable subjects.

Other influences calculated to pacify the people were not neglected. At the instance of the King, the Privy Council on the 28th of March 1609, passed an act empowering John Spottiswood, archbishop of Glasgow, to proceed to the Borders for the purpose of repairing the churches and reorganising the means of religious instruction in that region. He was to plant new ministers where it was necessary; to call the parishioners of every parish before him, and their pastors, wherever they had any; and with their consent to devise and resolve upon such measures as seemed best and most expedient for the speedy repairing and building of the churches, and making provision for the ministers: and to do everything lawful which might advance the object in view. The archbishop went over the region, carefully surveyed it, and ecclesiastically rectified it. He captured some Roman Catholic emissaries who had long evaded the authorities; and thus crushed Scottish Roman Catholicism out of its haunts in Dumfriesshire.

But the traditional habits and the unruly spirit of the Borderers could not be summarily extinguished by any measures short of utter

extermination. It required years to moderate, sober, and modify their character. In the end of July 1609, the Earl of Dunbar proceeded to Dumfries, where he held a Justiciary Court, and hanged a number of Border thieves, apprehended previously by Sir William Cranstoun. On the 26th of November, 1607, the Privy Council passed an order for removing a number of troublesome Border lairds to other parts of the country. John Carmichael of Meadowflatt, to be confined in Dundee; and the Master of Maxwell to be confined in Dunkeld or any parts of Fife and Angus; Sir Alexander Jardine of Applegirth, and John Carruthers of Holmends, to St. Andrews; Robert Elliot of Redheugh, and Walter Scott of Goldielands, to Cupar in Fife; while others were to be confined within the limits of specified places. In August of the following year a considerable number of lairds, chiefly in Dumfriesshire and Galloway, were ordered to be imprisoned beyond the Tay, and a number of others within the bounds of Fife. It appears from the proceedings of the Justiciary Courts, in 1611, that there was still much crime in these quarters. At the court held at Jedburgh in July, ten persons were convicted and executed, and two were acquitted; in a court held at the same town in the month of October, eight persons were convicted and executed, three reprieved, and thirteen acquitted, while fifty-eight persons were fugitive from justice, and penalties were exacted from their cautioners; while other fifty-two persons were allowed out on giving caution for their appearance. At Dumfries, in October, twenty persons were convicted and executed, thirty-eight acquitted, upwards of one hundred and twenty fugitive from justice, leaving their cautioners answerable; and forty let out under caution to appear when called. Thus in the space of four months thirty-eight persons were executed in Jedburgh and Dumfries, while one hundred and seventy-eight were fugitive from justice: thus indicating what a very difficult task it was to bring the inhabitants of the Borders under law and order. A separate Commission for the administration of police in these districts was continued for a number of years, and ultimately the influences of order and progress prevailed.[2] The debatable lands were divided and apportioned to each kingdom; and

[2] *Register of the Privy Council*, Vol. VII., pp. 701-729, 743-745, 489, 504; Vol. VIII., pp. 78, 86, 97, 152, 265, 584; Vol. IX., pp. 705-714; Vol. X., pp. 184, 198, 477, 847.

gradually those parts of the country which had been so long the scene of strife and petty warfare became as peaceful as other parts of the nation.

One of the King's earliest projects was a proposal that the English and the Scots should agree to an incorporating union of the two kingdoms; but neither nation was as yet prepared for this consummation. There were proceedings touching this matter both in England and in Scotland, but all that resulted from them was the abolition of hostile laws; while a proposition that all persons born in Scotland after the union of the Crowns in 1603, should be entitled in England to all the rights of Englishmen was rejected.

If the King was anxious to constitute a civil union of the two kingdoms, he was still more bent on establishing conformity in Church government throughout his dominions. While only King of Scotland, he had struggled hard to introduce Episcopacy, and now, with the resources of England at his command, he resolved to complete his long cherished scheme of Church polity, always following the underhand mode of attaining his end which was characteristic of his nature. The General Assembly had been prorogued owing to the accession; and it was postponed in the succeeding year, pending the adjustment of the proposed union. The leading Presbyterian ministers had begun to dread that attempts would be made to establish the hierarchy in Scotland and to assimilate their polity to that of the Church of England; and the Presbytery of St. Andrews met and took such steps as were deemed requisite to keep intact the right of holding General Assemblies. They easily foresaw that their Assemblies would soon cease to exist, if interrupted at the discretion of the King; accordingly a number of the Presbyteries and Synods resolved to hold a General Assembly at Aberdeen, on 2nd of July, 1605.

On the appointed day, nineteen ministers met at Aberdeen and proceeded to form the Assembly; but the meeting was prohibited by the authority of the Privy Council, and ordered to dissolve. Sir Alexander Stratton of Lauriston, the King's Commissioner for the Church, appeared amongst them, and intimated his instructions to prevent their meeting, and delivered to them the letter of the Privy Council commanding them to disperse. The ministers, however, believing that they were within their rights, elected Mr. John Forbes, minister of Alford as their Moderator, and Mr. John Sharp, minister of Kilmany as their Clerk, and constituted themselves an Assembly; but owing to the small number of members present, and to show

their respect for the King's injunction, after appointing the last Tuesday of the following September for the next meeting of the Assembly, and drafting a reply to the Privy Council's letter, they obeyed and dissolved. On the 5th of July, other ten ministers arrived in Aberdeen, who had intended to be present at the Assembly, but had been delayed by bad weather ; and among these were John Welsh, minister of Ayr, Mr. James Greg, minister of Loudoun, and Mr. Henderson, minister of Whithorn. When they found that the Assembly had already dissolved, they formally affirmed their adherence to all that their brethren had done in regard to the Assembly ; and, thus twenty-nine ministers had become directly associated with this famous meeting.

There was no special illegality in this meeting—it was quite within the recognised rights of the Church. But the King had the power in his hands, and he determined to crush all encroachments on his supreme and divine claims. By his explicit command thirteen of the ministers were imprisoned, and the Privy Council proceeded to prosecute them. When cited before the Privy Council, they declined its jurisdiction on the question in dispute. Out of fourteen who hesitated to disclaim the lawfulness of the Assembly, Forbes, minister of Alford, Welsh, Dury, and three others were selected for an exemplary punishment. They were indicted before the Court of Justiciary on a charge of treason, because they had declined the jurisdiction of the Privy Council. They were tried at Linlithgow on the 10th of January, 1606. They were ably defended, but the influence of the Crown prevailed, and they were convicted of treason, for denying the jurisdiction of the civil court in spiritual matters. They were then remitted to prison till the King should notify his pleasure touching their punishment. At last, on the 23rd of October, 1606, the sentence of the six ministers convicted for treason, was announced to be banishment from the King's dominions for life, and they retired to the Protestant Churches of France and Holland The other eight ministers, without any trial, were banished to the most remote quarters of the kingdom—the Western Islands and the Highlands.[3] James was quite conscious that he had gained a great victory, and his extreme vanity associated with an insatiable desire for

[3] Melville's *Diary*, pp. 570-575 ; Forbes' *Records*, pp. 463, 496 ; Hailes' *Memorials on the Affairs of Great Britain in the reign of James VI. ; Register of the Privy Council*, Vol. VII.

absolute supremacy over every one in the island, prompted him to command the Council to put the other eight imprisoned ministers on their trial for treason. For once the Council was forced to tell his Majesty that it had been extremely difficult to obtain a conviction against the six ministers in the late trial at Linlithgow, and that it was only obtained after much straining of the law and underhand action; and, therefore in the present state of the national feeling, the trial of the other eight ministers which he so much desired, was utterly impossible. The King then brought up his old grudge against Mr. Robert Bruce, one of the ministers of Edinburgh, touching the Gowrie Conspiracy, and at the instance of the King, the Council banished Bruce to Inverness. At the same time Mr. Henry Blyth, minister of the Canongate, was imprisoned for speaking in favour of the victims of the Aberdeen Assembly. Thus seventeen ministers were lying in prison, and one banished.

The King summoned a Parliament to meet at Perth, in July, 1606, at which the Earl of Montrose presided, while the Earl of Dunbar and the Earl of Dunfermline managed it. The first act of this Parliament exhibited an unusual spirit of servility in its remarkable acknowledgement of the powers of the King; and it may be taken as an authoritative statement of what James considered as his rights and prerogatives. The following are the chief points of the act—"God has indued His Majesty with so many extraordinary graces, and most rare and excellent virtues, as it is not only known by daily and manifest experience in matters of greatest difficulty and consequence, to the unspeakable comfort of all his faithful subjects, to be capable of the happy government of his kingdoms; but also by his most singular judgment, foresight, and princely wisdom, worthy to possess, and able to govern far greater kingdoms and numbers of people. And in respect thereof, the Estates plainly perceiving that by His Majesty's exaltation, not only in pre-eminence and power, but also in all royal qualities requisite for the happy discharge thereof, God has manifestly expressed His heavenly will to be, that his Majesty's imperial power, which God has so graciously enlarged, should not by them, in any way, be impaired, prejudiced, or diminished, but rather reverenced and augmented so far as they possibly can. Wherefore the whole body of this Parliament unanimously, humbly, and faithfully, with united heart and mind—consent and truly acknowledge his Majesty's sovereign authority, princely power, royal prerogative, and privilege of his Crown, over

all ranks, persons, and causes whatever, within this kingdom. . . . Likewise annuls, abrogates, retracts, rescinds, all things attempted, enacted, done, or hereafter to be done or intended, to the violation, hurt, derogation, impairing, or prejudice of his sovereign authority, royal prerogative, and privilege of his Crown, or any point or part thereof, in any time to come. And the whole Estates for themselves and their successors faithfully promises perpetually to acknowledge, obey, maintain, defend, and to advance the life, the honour, the safety, the dignity, the authority, and the royal prerogative of his sacred Majesty, his heirs and successors, and the privilege of his Highness' Crown, with their lives, their lands, and their goods, to the utmost of their power, constantly and faithfully to withstand all persons and powers who shall presume, press, or intend in any way to impugn the same, directly or indirectly, in all time coming." After the Estates had passed this act, it was not likely that they would oppose the King's schemes till their own special interests were touched.[4]

This Parliament also passed an act restoring the bishops to their ancient honours, dignities, privileges, livings, lands, rents, thirds, and estates, as these stood before the act of annexation in 1587. Touching the honours and dignities there was little difficulty ; but the restoration of the revenues of the Sees was a much harder matter to settle. The party of the clergy who were opposed to Episcopacy endeavoured to defeat the measure, but their efforts were unavailing. Although the bishops were legally restored, still the hierarchy was incomplete ; as they were not yet invested with spiritual supremacy in the Church.

We have already seen that on the Reformation itself, and on the history of Protestantism in Scotland, the disposal of the property of the old Church had much influence in determining the results. The attempt which followed upon this act, to restore what remained of the Church domains to the several bishoprics, was almost a complete failure. The Estates were ready to acknowledge the absolute power of the King in so many words, but when it came to the practical issue of slackening their own hold on the revenues of the old Church, they manifested a remarkable pertinacity in maintaining the supremacy of themselves. The bishops were continually bewailing their poverty, and the utter hopelessness of maintaining their position upon the small funds which fell to their lot.

[4] *Acts Parl. Scot.*, Vol. IV.

The King wished to stifle the leaders of the Presbyterian party, that he might more easily complete his scheme. Andrew Melville, his nephew James Melville, and six others of the eminent ministers, were summoned to the English court, in September 1606. The aim of the King was twofold, first, to engage the Scotch Presbyterian ministers and the English bishops in a conference concerning the superior merits of Episcopacy, and to dazzle the fancy of the north countrymen with the splendour of the English ritual; second, to entangle them by queries touching the late Assembly at Aberdeen, and especially to keep them out of Scotland, where their presence might endanger his own scheme. By the command of the King, these ministers attended a course of sermons preached by four English divines—on the bishops, the supremacy of the Crown, and the absence of all authority in Scripture and in antiquity for the office of lay elders. This performance was held in the King's chapel at Hampton Court. The King himself attended several conferences; and at one of these, before a company of bishops and Scottish nobles, he asked their opinion touching the lawfulness of the Aberdeen Assembly, and the best way of obtaining a peaceful Assembly to restore order in the Church. All the Scottish bishops condemned the Assembly as turbulent and illegal; but Andrew Melville, after some questioning, replied that the Assembly had authority from the Word of God, and from the laws of the kingdom; and the other Presbyterian ministers concurred in this opinion. When reference was made to other matters which had arisen out of it, such as the trial of the six ministers for treason, and other teasing questions were put as to whether they sympathised with, or prayed for, their brethren who had been convicted of treason, they at once protested against this treatment as illegal and unjust, and asked to be allowed to return to Scotland; but this was not granted to them.

It soon became manifest that the King and his bishops had entirely failed to produce any change on the convictions of the Scottish ministers. They heard the sermons of the English bishops with silent contempt. The service was caricatured by Andrew Melville in a Latin epigram, which was brought under the notice of the English Privy Council, and on the 30th of November, 1606, he was summoned to answer for it before that august tribunal. Melville in a moment of passion lost all command of his temper, and when delivering a vehement invective against the hierarchy, seized and shook the white sleeves of Bancroft, the Archbishop of Canterbury, at the same time

calling them "Romish rags." For this offence and a subsequent one of a similar character, he was imprisoned in the Tower of London for five years; and at the end of that period he obtained his liberty only on the condition of living for the remainder of his life out of the King's dominions. Melville then retired to Sedan, and was engaged in teaching till his death in 1620. In May, 1607, James Melville was confined first to Newcastle, and afterwards to Berwick, but never permitted to return to his own country; while four of the other six ministers were permitted to return to their own parishes on their good behaviour, the other two were not allowed to enter their parishes but banished to other places.[5] This treatment of some of the ablest men and ministers of the kingdom formed a part of the means which the King condescended to use, in order to subdue the opposition to his scheme of Church government in Scotland; how far this was calculated to secure ultimate success, the sequel will show.

James having thus disposed of the leading and most energetic opponents of his scheme, summoned the clergy to meet at Linlithgow, on 10th December, 1606, there to consult with a number of the nobles concerning the order of the Church, and obedience to the royal authority. At the instance of the King, a proposal was brought before the meeting to appoint permanent moderators; and also that this office should be always filled at the meetings of the Presbyteries and of the Synods, by the bishops. Some of the clergy were surprised at the proposal, but the royal influence prevailed, and the meeting adopted it. At the close of the proceedings the ministers were admonished to beware of expressing anything against his sacred Majesty. Several of the Synods and the Presbyteries protested against the constant moderators, and refused to accept them; but this opposition was soon broken, and the influence of the Crown for a time silenced all refractory members.[6]

The Government seemed ready to do anything in order to increase the power of the bishops. A Parliament held in August, 1607, passed an act authorising the Archbishop of St. Andrews to select the ministers of seven parishes within his diocese, to act as the chapter of the See, instead of the prior and the canons, whose dignities had become secularised. Another Parliament which met at

[5] Melville's *Diary*, pp. 644-646, 654, 681, 708, 709; Calderwood, Vol. VI., pp. 586-589, 591, 596-600, *et seq.*; *Register of the Privy Council*, Vol. VII.

[6] Calderwood, Vol. VI., pp. 604-629.

Edinburgh in June, 1609, restored the consistorial courts to the bishops, with all the causes of an ecclesiastical and quasi-civil description which formerly belonged to them. In the winter of 1610, new tribunals were introduced by the King, who in the exercise of his prerogative erected two courts of High Commission, one at St. Andrews and the other at Glasgow. Each court consisted of the archbishop with his suffragans and a few nobles. Five years later the two courts were merged into one. One of the archbishops, as head of the court, and four others were to form a quorum; and thus the head of the court could at any time summon four of the members devoted to his will. Their jurisdiction was comprehensive: they could cite any one on the ground of immorality or erroneous doctrine, and sentence them to be fined or imprisoned, and if necessary excommunicated. The ministers, the schoolmasters, and the professors in the Universities, who dared to speak against the established order of the Church, or any of the recent conclusions concerning her, were to be cited before the commission and punished. Any minister who failed to obey the injunctions of the commission, could be censured, suspended, or deposed, according to the opinion of the court. In reality, this court had unlimited powers; it rested upon no law, it was merely erected by a royal proclamation, and its sentence was final.[7] In short, the court of High Commission could fine and imprison any one at discretion. It has been stated by Dr. Burton that the Court of Session could review the decisions of this court, which in theory may be true: but when it is remembered what the Court of Session was then, and for long after, it is easily seen that protection from oppression and injustice was not likely to come very promptly from such a quarter. Then the bishops themselves were lords of Parliament, some of them members of the Privy Council, constant moderators of Presbyteries and Synods, and patrons of benefices, backed at every turn by the royal authority and prerogative of the King.

Still the bishops felt that they lacked the confidence of the nation, and they were anxious to obtain the sanction of the highest ecclesiastical authority recognised by the people. So the King summoned a General Assembly to meet at Glasgow, in June 1610, composed of members favourable to the organisation of Episcopacy. The

[7] Calderwood, Vol. VII., pp. 57-62, 204-210; *History of Scotland*, Vol. VI., pp. 242-243.

influence of the Crown was openly and freely employed in directing the choice of members. In this Assembly, as in all those of the period, there was no fair and open discussion permitted, no disputed point was allowed to be debated at a full sitting of the members, but was settled at a private conference, and the result only presented to the Assembly to be recorded. In this way a number of articles were smuggled in and declared to be carried, which would not have passed if they had been debated in a regular form before a General Assembly. The chief points passed by this Assembly were, that the calling of General Assemblies belonged exclusively to the King as a prerogative of his Crown, and therefore the alleged Assembly held at Aberdeen in 1605 was unlawful and null; that Synods should be held in every diocese twice in the year, at which the bishops were to be moderators; that all presentations to benefices should be directed to the bishop of the diocese who, with the assistance of some of the ministers, should examine those presented, and if they found them qualified, should ordain them; that in deposing of ministers, the bishop should join with himself the ministry of the bounds where the delinquent served, and after a fair trial should pronounce sentence; that every minister at his admission should swear obedience to the King and his ordinary; that a bishop or a minister named by him should preside in all the meetings of the ministers; and finally, that none of the ministers, either in their pulpits or in any of their meetings, should speak or reason against the acts of this Assembly, or disobey them, under the penalty of deposition; and especially that the question of equality among the ministry should not be treated in the pulpit, under the same penalty.

The acts of this Assembly were confirmed and amplified by an Act of Parliament in 1612, which at the same time repealed the Act of 1592 which had sanctioned the Presbyterian polity. In the autumn of 1610, three of the Scottish Bishops were consecrated in England, Spottiswood, Bishop of Glasgow; Lamb, Bishop of Brechin; and Hamilton, Bishop of Galloway; and when they returned home, they consecrated the rest of the Scottish Bishops.[8] Thus the restoration of Episcopacy was completed.

Though the external form of Episcopacy was restored, yet in many of the congregations the Presbyterian form of worship was retained.

[8] Calderwood, Vol. VII., pp. 94-103, 150, 152, 154, 165-171; *Acts Parl. Scot.*, Vol. IV.

But the King recommended more ceremonies to hasten on conformity to the Church of England. In the spring of 1614, he issued a proclamation commanding that all persons should partake of the communion on Easter Day; and the following year a royal proclamation ordered the celebration of the communion on Easter Day, in all time coming.[9]

In August, 1616, a General Assembly met at Aberdeen, then and afterwards the famed centre of the opposition to Presbyterianism in Scotland. The King's party had a majority in the Assembly, and many proposals were made, among others, "that all the children in schools shall have and learn by heart the catechism entitled, 'God and the King,' which, by an act of Council, is already ordained to be read and taught in all schools." This Assembly authorised the preparation of a Liturgy and a new Confession of Faith. The communion was to be administered four times a year in towns, and twice in country parishes; and one of these times to be always on Easter Day. The Presbyterian historian passed the following remarks on the Assembly—"Although it began with preaching and fasting, yet the Holy Ghost was enclosed in a packet of letters sent from the court whereby they were directed. The King ordained by his letter the Primate to rule the clergy, and his commissioner, the Earl of Montrose, to order the laity. . . . So the Primate stepped into the moderator's place without election, against the practice and acts of our Church, not as yet repealed by the Assembly of Glasgow or any other. . . . The roll of the Presbyteries was not called, nor commissions considered, whether free or limited. A number of lords and barons decorated the Assembly with silks and satins, but without lawful commission to vote. Bishops had no commissions from Presbyteries as they ought to have had, according to the practice of our Church. The moderators of Presbyteries came by the bishop's missives, and a forged clause of an act made at a pretended Assembly held at Linlithgow in the year 1606."[10]

But the resolutions of the Assembly did not satisfy the King, and he transmitted to the bishops five articles of his own, which he ordered them to adopt. These articles enjoined that the communion should always be received in a kneeling posture; that in cases of

[9] *Acts of the Privy Council*, March 3rd, 1614; Calderwood, Vol. VII., pp. 191, 196.

[10] Calderwood, Vol. VII., p. 222-242; Vol. VII., pp. 222, 223.

sickness the communion should be administered in private houses; that baptism in like circumstances should be administered in the same way; that holydays should be appointed for the commemoration of the birth, passion, and resurrection of Christ, and of the descent of the Holy Ghost; and that children should be brought to the bishop for a blessing. There was much and determined opposition among the Scots to these ceremonies, which in history are known as the "Five Articles of Perth." On the suggestion of Archbishop Spottiswood, the King was induced to refrain from issuing them by his royal authority for another year, till they received the assent of a General Assembly.[11]

James turned his visit to Scotland into an occasion for an exhibition of his opinions and feelings on Church matters. He gave express commands and directions for fitting up and decorating the Chapel of Holyrood, for the celebration of worship in the English form. Organs were sent to Edinburgh for this purpose, and the King himself was accompanied by several English bishops and divines. When he arrived in Scotland in May, and reached Edinburgh on the 16th of the month, 1617, he issued peremptory orders that all the nobles, the privy councillors, and the bishops then in Edinburgh should receive the communion on their knees in the chapel on Whitsunday. The most of those who were summoned at once complied; but those who absented themselves from the service, and some of those who appeared and abstained from presenting themselves at the table, were again summoned, and commanded to attend on the following Sunday. At this time, the ministers of Edinburgh were silent, and said nothing openly against this innovation.[12]

The King attended a meeting of Parliament in June, 1617, and delivered a speech, setting forth his own good intentions, and his desire to see the Church settled, the nation in order, and necessary reforms passed, all for the good of his people. But he submitted an act to the Lords of the Articles, which was couched in these terms—"That whatever his Majesty should determine concerning the external government of the Church, with the advice of the archbishops, bishops, and a competent number of the clergy, should have the force of law." James's idea was that the bishops should rule the ministers, and that he himself should rule them both. The Lords of the

[11] Spottiswood's *History of the Church of Scotland*, pp. 528, 529. 1655.

[12] *Original Letters of the Reign of James VI.*, Vol. II.

Articles agreed to the act, but a party of the ministers warmly protested against it; and when it came to be read in Parliament, the King ordered it to be passed aside, though at the same time remarking that he could do as much by his own prerogative, without asking the counsel of any one. He vented his anger on the leaders of the protestors, two of whom were deprived of their offices and imprisoned, while Calderwood, the historian, was banished from the kingdom. This Parliament passed Acts relating to the election of archbishops and bishops, and to the restoration of deans and members of chapters of the Sees. An act for the plantation of churches was passed, authorising a commission of thirty-two, eight from each of the four Estates of the realm; and the special work assigned to them was, out of the tithes which were then scattered among different hands, "in every parish to give and assign at their discretion a perpetual local stipend to the present and future ministers." Thus, each minister's stipend was to be paid out of the tithes of the parish in which he officiated, not out of a general fund as before. The lowest stipend was fixed at five chalders of victual, and the highest at eight.[13]

James persisted in his intention of introducing his five articles into the worship of the Church. On the 13th of July, he held a special meeting at St. Andrews with the bishops and a select number of the ministers. He told them that he wished to introduce a more decent order into the Church; and if they had anything to say against his five articles, he was ready to hear them. But he reminded them that his demands were just, that he was not to be resisted with impunity, and that it was the peculiar prerogative of Christian kings to regulate the external polity of the Church. They might approve or disapprove of his proceedings, but they must not imagine that anything they might say would have the slightest effect upon him, unless they could support their opinions by arguments which he found himself unable to answer. Still, all that his Majesty obtained was the postponement of the difficulty, and the expression of a wish that the articles should be referred to a General Assembly.[14]

[13] Calderwood, Vol. VII., pp. 249-271; *Acts Parl. Scot.*, Vol. IV.; *Connell on Tithes*, Vol. I., p. 180.

[14] Spottiswood's *History of the Church of Scotland*, pp. 533, 534. The Rev. David Calderwood, for his free speaking in the King's presence at this meeting, was imprisoned, and then banished from the kingdom.

These rites which the King so eagerly sought to impose, were inconsistent with the historical standards of the Reformed Church of Scotland. To two of the articles especially, kneeling at the communion, and the observance of holidays, there was a deep feeling of opposition in the national mind; and this, in connection with other unpopular features of Episcopacy, was the reason why all the attempts of James himself, of his son, and of his grandson, utterly failed to establish it in Scotland. The Church of England was really reformed by the authority of the Crown; but the Church of Scotland was reformed at first in spite of the Crown and of the regular Government, and throughout her history she had to maintain a struggle against the claims of the royal prerogative. Thus it was that the Church of Scotland rested more on popular sentiment and feeling, and conviction, than the Church of England; and, hence also, it came to pass that all the efforts of the Crown and of the Government to change the polity of the Church of Scotland resulted in complete failure.

But the King was resolved to carry his point, and he informed those who opposed him that they should know what it was to draw upon themselves the anger of a king; at the same time he threatened all ministers who refused to accept the articles with the loss of their stipends. The primate and the bishops, prompted, threatened, and scolded by the King, now used the King's authority to subdue the reluctant ministers; and in May, 1618, the bishops informed his Majesty that he might summon a General Assembly,[15] as it was likely that the ministers would now be more submissive. Attempts had been made by the bishops to enforce kneeling at the communion, but with little success; while the observance of the holydays had already been commanded by an act of the Privy Council.

Archbishop Spottiswood, in his sermon at the opening of the Perth Assembly, adduced nothing in support of the articles, save that they had originated with the King, and were entirely his Majesty's own, who demanded that they must be adopted; and, as the King knew better than they did what was right, they were bound to obey him. In his sermon the following passage occurs on the King and his articles:—"If it cannot be shown that they are repugnant to the written Word, I see not with what conscience we can refuse them, being urged as they are by our sovereign lord and

[15] Botfield's *Original Letters*, Vol. II., p. 522; Spottiswood's *History of the Church of Scotland*, pp. 535-537.

King ; a King who is not a stranger to divinity, but has such acquaintance with it, as Rome never found, in the confession of all men, a more potent adversary ; a King neither superstitious nor inclined that way, but one that seeks to have God rightly and truly worshipped by all his subjects. His person, were he not our King, gives them sufficient authority, being recommended by him, for he knows the nature of things and the consequences of them, what is fit for a Church to have, and what not, better than we do all." The King's letter to the Assembly was in his usual style. He said that they should not allow the unruly and ignorant multitude to overawe the better and more judicious ; and they must remember that he could impose the articles at once by his royal authority, and therefore it would do them no good to reject them ; indeed, it would have become the bishops and ministry better to have begged him to establish these articles, than that he should need to urge the practice of them upon the ministry.

Yet all the influence of the court and the exertions of the bishops failed to prevent opposition in the Assembly. No open discussion of the articles being permitted in the Assembly, they were referred to a committee, which, after some debate, recommended their adoption. Then the articles were again brought before the Assembly, but those who opposed them were not allowed to discuss the question on its own merits, but were sharply told that the only question before them was, "Is the King to be obeyed or not?" In the face of this threatening of the King's anger, the opposition ministers insisted on giving their reasons against the adoption of the articles. Before the roll was called, the King's letter was again read to the Assembly, and when at last the vote was to be taken, Spottiswood emphatically reminded each man of the issue involved in his decision. The articles were carried by eighty-six votes to forty-five, a majority of forty-one. The majority was obtained from the votes of the nobles and the bishops, the votes of the ministers being nearly equal on each side.[16]

[16] Lindsay's *True Narratives of all the Passages at Perth ;* Botfield's *Original Letters,* p. 573 ; Calderwood, Vol. VII., pp. 304-332. In speaking of the articles of Perth, Burnet remarked, "These things were first passed in General Assemblies, which were composed of bishops and the deputes chosen by the clergy, who sat all in one house. . . . Great opposition was made to all these steps ; and the whole force of the Government was strained to carry elections to those meetings, in which it was thought that no sort of practice was omitted."—*History of his own Time,* Vol. I., p. 17.

Although the Presbyterian ministers were outvoted at Perth, they had on their side the strength which flows from moral principle and firm conviction. They had also the support of many of the people, who considered that the five articles had no better recommendation than the injunctions of the King. The Presbyterian ministers warmly declared that the meeting at Perth was not a lawful General Assembly; and the King and his bishops discovered that they had still much hard work before them. The observance of the holydays and kneeling at the communion were extremely offensive to the majority of the people, and caused great discontent. Kneeling was new to all, and many thought that it was connected with the doctrine of transubstantiation; but the bishops, urged on by the King and armed with the weapons of coercion, haplessly drifted on towards destruction—suspending, imprisoning, and banishing the ministers who declined to conform. Those who absented themselves from the public worship on the holydays, or on Sunday, were threatened and punished. The nonconforming ministers and many of their adherents deemed the High Commission and its proceedings an usurpation; and this sentiment was very strong in Edinburgh, in the southern counties, and in Fife. The displeased people in Edinburgh began to hold meetings, at which the suspended and deposed ministers preached and officiated. The court and the bishops anxiously desired that Edinburgh would conform, and various means were tried to secure this, but in vain.[17]

In August 1621, Parliament met at Edinburgh, and ratified the five articles of Perth by a small majority. In a house of one hundred and twenty members, a majority of twenty-seven voted in favour of the articles. The representatives of the burghs were on the side of the opposition, the members of the counties were nearly equally divided, and it was by the votes of the bishops and the higher nobles that the act was passed. A number of the ministers sought to petition and to protest against it, but were prevented by the authorities.[18]

When the King heard the result of the Parliamentary vote, he hounded on the bishops to greater severity. He said, "hereafter that rebellious and disobedient crew must either obey, or resist both God, their natural King, and the laws of their country. . . .

[17] Calderwood, Vol. VII., pp. 348, 352-364, 383, 388, *et seq.*; Balfour's *Annals*, Vol. II., pp. 76, 79-81.

[18] *Acts Parl. Scot.*, Vol. IV.; Calderwood, Vol. VII., pp. 495-504.

The sword is now put into your hands, go on therefore to use it, and let it rest no longer till you have perfected the service entrusted to you. For otherwise we must use it both against you and them." During the remainder of his reign, there was a constant effort to enforce the observance of the articles. The King was always exhorting and threatening in vain; nonconforming ministers were imprisoned and banished without effect. Some of the conforming ministers of Edinburgh complained to the Privy Council that there could be no peace among the people while the deprived and suspended ministers resorted to the city, and held private meetings. A proclamation was therefore issued prohibiting such meetings, under the penalties of sedition and rebellion. Six of the citizens of Edinburgh were cited before the Privy Council, and some of them imprisoned. In spite of this, many of the churches of the conforming ministers began to be deserted; so that they were left to declaim against schism and rebellion to the paupers of the parish, or to empty benches.[19]

King James died on the 27th March, 1625, at the age of fifty-nine. His reign in Scotland had been rather stormy; and after his accession to the throne of England, it cannot be said that his policy was beneficial to his native country. Though naturally timid, he was vindictive, and at all times extremely conceited, a feature of his character which was much fed and gratified by the indiscreet and excessive flattery of the English bishops. In literature he was a pedant. Of his kingly prerogative and powers he had the most extravagant and absurd ideas. The bishops had always been submissive and yielding to his demands, and to please him they had preached and enforced an order of ceremonies which had offended and alienated many of the people; and now, with a king on the throne who heeded not their warnings, they drifted closer to the rocks on which they were ultimately wrecked.

Soon after the accession of Charles I., the Scotch ministers forwarded to him a petition craving that they might be relieved from the observance of the five articles of Perth; but they found that little relief could be expected. In the summer of 1626, Charles did send instructions to the archbishops, that the ministers who had been admitted before the Perth Assembly, and had scruples about

[19] *Melrose Papers*, Vol. II., p. 637; Spottiswood's *History of the Church of Scotland*, p. 542; Calderwood, Vol. VII., pp. 507-509, 512, 514, 517-520, 533-546, 596-615, 618-631.

the articles, might be exempted from observing them, if they did not openly argue against them, or refuse the communion to any one who wished to partake of it kneeling. The banished, imprisoned, and suspended ministers were to be restored on similar conditions; but all those who had been admitted after the Perth Assembly, were commanded to observe the articles.[20] The King, however, was firmly resolved to pursue the ecclesiastical policy of his father.

In October, 1626, Charles issued an act of revocation of all grants of land by the Crown, either before or after his father's act of annexation in 1587. This was intended for the benefit of the bishops and the clergy, and to remedy some of the evils connected with tithes; but from another standpoint, it may be regarded as the opening of one side of that bitter contest of which Charles I. never saw the end. The proposal of the Crown to retake all the Church lands which had passed into the hands of the nobles since the Reformation, aroused violent feelings amongst the class whose interests were invaded; but it soon became manifest that the King had resolved to fight a hard battle, and pursue his end with great firmness.

Charles subsequently found it necessary to limit the scope of his contemplated revocation, and summonses of reduction were then raised to reduce the grants upon legal grounds. Still this caused much alarm among the nobility; and a deputation was sent to London to treat with the King. After some discussion, a commission was appointed in January, 1627, to examine the whole subject. The commissioners continued their investigation throughout the following summer, and prosecutions were commenced against all who refused to accede to the proposals of the Crown. After a long and tedious inquiry, a compromise was effected. The Church lands, and the property in dispute were to remain in the hands of those who held them, upon the payment of a certain proportion in the form of rents to the Crown. The Crown also insisted on a right of feudal superiority over all the property at issue, and from this, additional dues would fall to the public revenue. The tithes were disposed of in this way; the landowner got liberty to extinguish the right of levying tithes on his property, by payment of a sum calculated at nine years' purchase; if he did not choose to exercise this option, then the tithe in kind was to be commuted into a rent charge, and

[20] Balfour's *Annals*, Vol. VII., pp. 142-145.

from this was to be deducted the stipend payable to the ministers, and an annuity reserved for the Crown.[21]

This adjustment of the tithes, which was sanctioned by Parliament, in 1633, has proved a beneficial measure to Scotland. It extinguished a teasing class of disputes between landowners and tithe owners, between tenants of land and tithe owners, and between the ministers and their flocks. Yet the arrangement, though beneficial to the nation, was not received with universal satisfaction. Many of the nobles surrendered their tithes and their full claims to the Church lands with a grudge which embittered their minds, and predisposed them to join in the struggle which subsequently ensued. They still dreaded that the King might attempt further encroachments upon their landed rights.

Various circumstances had delayed the King's visit to Scotland, but in 1633, he crossed the border and entered Edinburgh in June. He received a respectful reception, and was crowned on the 18th of June, at Holyrood. Charles was anxious to complete the scheme of religious polity which his father had begun; and proceeded to treat all difficulties with an imperious hand. For a time, the opposition was overborne by his presence and his power, though unconverted to his opinions or policy. The Scots were well aware of the King's quarrels with his English subjects, and on every side the elements of a fierce conflict were forming.

Charles was firmly convinced that it was necessary to introduce a new liturgy to complete his scheme of government in Scotland, and he seems to have thought that the time was come to execute his purpose. A form of Episcopacy had existed in Scotland for about thirty years, and some parts of the English ritual had been introduced; but the ecclesiastical system still retained many traces of the organisation of Presbyterianism. It was only a kind of mixed Episcopacy; it had the external form of the hierarchy, archbishops and bishops as in ancient times, but they were merely the chief ecclesiastical ministers of the King, their master, and had little authority of their own. The titles of dean and archdeacon had been restored, but such persons appeared in the Church courts only as

[21] Connell on *Tithes*, Book III.; Forbes's *Treatise on Church Lands and Tithes*. "The tithes at this time were more rigidly exacted by their lay owners than ever they had been during the most corrupt times of the hierarchy; yet these persons grudged the small portion which the law compelled them to bestow on the Church."—Dr. Grub's *Eccles. Hist. Scot.*, Vol. II., p. 357.

parish ministers; while there still existed the Kirk Sessions, the Presbyteries, and the Synods, though their organisation was maimed. The Book of Common Prayer, adopted at the Reformation, was still in common use, though less esteemed among the Presbyterians, who were becoming averse to set forms of prayer; while the Episcopal party considered it defective. The five articles of Perth were not universally observed. Though there might have been slight differences of opinion touching some doctrines, the general creed of the clergy and the people was in harmony with the Reformation Confession of Faith. Thus matters stood when Charles and Laud began their work.

Preparations were made for composing a book of canons and a liturgy for Scotland. The book of canons as finally revised by Laud, and the Bishops of London and Norwich, was ratified by the King in May, 1635, and promulgated in 1636. It was prefaced by the sanction of the King, and the announcement of his will concerning its observance, in the following terms—"We do, not only by our royal prerogative and supreme authority in causes ecclesiastical, ratify and confirm, by these our letters patent, the said canons and constitutions, and everything contained in them; but likewise we command, by our royal authority, the same to be diligently observed and executed by all our loving subjects of that kingdom, in all points . . . according to this our will and pleasure, hereby expressed and declared. We strictly charge and command all archbishops, bishops, and all others who exercise any ecclesiastical jurisdiction, within our realm, to see and procure as much as they can, that all and each of these canons, orders, and constitutions be in all points duly observed; not sparing to execute the penalties, in them severally mentioned, upon any that shall willingly and wilfully break or neglect to observe the same."

This book is a very small volume, divided into nineteen chapters, with the different paragraphs or headings of each chapter numbered.[22] In arrangement and composition it is an admirable production of the class to which it belongs.

The first chapter contains a statement of the powers and prerogatives of the King in religious matters. The doctrine of the royal supremacy is laid down and enforced under the penalty of excom-

[22] The first edition of the Canons, printed at Aberdeen in 1636, is the one used and referred to in the text.

munication against all who dared to resist it, upon the ground that it had been exercised by the Jewish kings and by the early Christian emperors. To secure reverence for this divine supremacy of the King, it was stated that "none shall be permitted to teach in any college or school, either as principal, regent, or fellow, except he first take the oath of allegiance and supremacy. And having taken the charge upon them, they shall acquaint their scholars, and train them up according to their capacity, in the grounds contained in the book entitled *Deus et Rex*, God and the King." [23]

One of the canons was directed against the press. "In setting forth books, satirical libels, and other pamphlets, repugnant to the truth, or not agreeing with honesty and good manners, it is ordained that nothing hereafter be printed except the same be seen, and allowed, by the visitors appointed to that purpose."

These canons placed the whole internal life of the Church in the hands of the bishops. They alone were invested with the right of expounding the Bible, all private meetings of ministers for this were to be strictly prohibited; and no one was to be permitted to impugn the opinion of another minister in the same or in the neighbouring church without the permission of the bishop. The whole drift of the book of canons is well expressed in its concluding sentences:— "In all this book of Canons, wherever there is no penalty expressly set down, it is to be understood that the punishment shall be arbitrary, as the ordinary shall think fittest."

The manner in which these canons were introduced certainly was unusual, and it touched the national pride, as well as the religious sentiments of the Scots. They also made direct reference to a Liturgy, which had not yet been published. These canons had little resemblance to any Scottish ecclesiastical rules or acts subsequent to the Reformation; but such was the King's blind confidence in the efficacy of the royal supremacy, that he imagined he had only to command what he pleased, and the people would obey him. Acting on this assumption, he signed a warrant to the Privy Council, on the 18th of October, 1636, containing his instructions concerning the introduction of the Liturgy. These stated that the King had several times recommended to the Scotch archbishops and bishops the introduction of a regular form of service to be observed in the public worship; and as this had now been definitely undertaken, he believed that all his

[23] P. 28.

Scottish subjects would receive it with becoming reverence. "Yet thinking it necessary to make known our pleasure concerning the authorising of the book, we require you to command, by open proclamation, all our subjects, both ecclesiastical and civil, to conform themselves to the practice thereof. It being the only form which we, having taken the counsel of our clergy, think fit to be used in God's public worship there. Also, we require you to enjoin all archbishops and bishops, and other presbyters and churchmen, to take care that the same be duly obeyed, and the contraveners to be condignly censured and punished. And to see that every parish procure to themselves, within such a time as you shall think fit to appoint, two copies at least of the Book of Common Prayer for the use of the parish." In compliance with his Majesty's commands, the Privy Council passed an act on the 20th of December, and issued a proclamation ordering all the people to conform themselves to the new liturgy.[24]

The nation was soon in a ferment. A suspicion arose among the people that Roman Catholicism was to be reintroduced. They had already yielded so far to the King, and restrained their feelings in deference to the royal authority; but now the limit of their passive obedience was passed. They declared that the King had no right to impose a service-book upon them without the consent of Parliament and the General Assembly; they asserted that it was popish, that it taught popish doctrines, and that it was little better than a mass-book. Some attempted to defend it, but in vain.[25]

The liturgy itself was framed upon the form of the English Book of Common Prayer, with some slight differences, especially in the office of the communion. After the proclamation commanding its use, and a preface, it began with remarks on ceremonies; how the psalter was appointed to be read; how the rest of the Scriptures was appointed to be read; a table of proper psalms and lessons for Sunday and other holydays; a table for the order of psalms at daily prayers; an almanac; a table and calendar for the daily psalms and lessons; and a list of holydays which were to be observed. The order for the administration of the communion differed in some important points

[24] Baillie's *Letters and Journals*, Vol. I., pp. 440-441.

[25] In a note to the first volume of Baillie's *Letters and Journals*, it is stated that the Liturgy itself was not completed till May, 1637; but Dr. Grub says, "before Easter, copies of the book were ready for distribution." *Eccles. Hist. Scot.*, Vol. II., p. 378.

from the English office. This form was elaborate, and out of many points minutely stated, it may be mentioned that a commemoration of the faithful departed was inserted at the end of the prayer for the Church militant. In the form of marriage, it was enjoined that the newly married persons should receive the communion on the day of their marriage.

The royal proclamation ordered the new Liturgy to be observed in all the churches on Easter, 1637. The authorities, however, postponed it, but this only heightened the feeling and excitement against it. The bishops themselves were not unanimous regarding the expediency of enforcing its observance; some of them indeed brought the subject before their synods, but little progress was made. On the 13th of June, the Privy Council passed an act which declared that some of the ministers had perversely failed to obey the former proclamation: "Therefore the Lords ordain letters to be directed, charging the whole presbyteries and ministers within the kingdom, that they and every one of them provide themselves, for the use of their parishes, with two copies of the said Book of Common Prayers, within fifteen days after this charge, under the penalty of rebellion, and being put to the horn." [26]

At a meeting of the bishops it was agreed that the public reading of the new liturgy should begin in Edinburgh, on Sunday, the 23rd of July, 1637; and this was ordered to be intimated in all the churches in the city on the previous Sunday. The congregations listened to the intimation in silence; but in the following week speeches, declarations, and pamphlets were launched on every hand against the new liturgy; while no really vigorous efforts were made in favour of its introduction.

On the appointed Sunday, preparations were made to celebrate the new service with the utmost solemnity, and to gave the occasion of its introduction in the capital an imposing character. In the historic Church of St. Giles, the two archbishops, the Bishop of Edinburgh, and several other bishops, the Lords of the Privy Council, the Judges of the Court of Session, and the Magistrates of the city, all attired in their official robes, attended in the forenoon to grace the proceedings. The Bishop of Edinburgh was to preach, and the Dean to read the service. A large congregation had assembled, but they looked restless and wistful; and the dean had scarcely begun to read when

[26] Baillie's *Letters and Journals*, Vol. I., p. 4, *et seq.*; pp. 442, 447.

confused cries arose. As he proceeded, the clamour became louder, and the prayers could not be heard. The people started to their feet and the church was a scene of hideous uproar. The voices of the women were the loudest, some cried "Woe, woe me," and others shouted that "they were bringing in popery"; and instantly stools were thrown at the Dean and the Bishop of Edinburgh. The Archbishop of St. Andrews and the Lords of the Privy Council then interposed, but in vain; the tumult continued till the Magistrates came from their seats in the gallery, and with extreme difficulty thrust out the unruly members. The Dean read the service, and the Bishop preached with barred doors. But the crowd stood around the church in a state of vehement excitement, rapping at the doors and throwing stones at the windows, and shouting "popery, popery," and calling the bishops the most abusive names. When the bishops came out of the church, the multitude attacked Bishop Lindsay on his way home, and he narrowly escaped with his life. Similar disturbances occurred in the other churches of the city, though less violent. In the Greyfriars church, the Bishop of Argyle was obliged to stop reading the service. Between the hours of worship, the Lords and the Magistrates met, and made such arrangements that the evening service at St. Giles, and some of the other churches, passed without interruption; though the Bishop of Edinburgh was again attacked in company with the Earl of Roxburgh, but the armed servants of the Earl enabled him to escape without serious injury.[27]

The excitement was rapidly spreading and becoming more intense; and it was manifest that the actors in the tumults in Edinburgh could not be punished. Indeed, the Liturgy was almost universally spurned. In the face of this heated feeling, the authorities were comparatively powerless. On the 4th of August, the Privy Council

[27] Rothes' *Relation*. "So on Sunday morning when the bishop and his dean, in the great church, and the Bishop of Argyle in the Greyfriars, began to officiate, as they spoke, immediately the serving maids began such a tumult as was never heard of since the Reformation in our nation. However, no wound given to any yet such was the contumelies in words, in clamours, runnings and flinging of stones in the eyes of the magistrates, and the chancellor himself, that a little opposition would have infallibly moved that enraged people to have rent sundry of the bishops in pieces. The day after, I had occasion to be in town, I found the people nothing settled; but, if that service had been preseuted to them again, resolved to have done some mischief." Baillie's *Letters and Journals*, Vol. I., pp. 18, 448.

received a letter from the King, commanding them to search out and to punish the persons concerned in the late disturbances, and to support the bishops and the clergy in establishing the new liturgy. The Council resolved that another attempt should be made to use the new service on Sunday, the 13th of August; but when this day came it was not tried in the churches of Edinburgh, because among other reasons, readers could not be got to officiate. At Glasgow there was strong opposition to the Liturgy, and Baillie gives some particulars of the treatment which Mr. Annand, the minister of Ayr, received, because he had ventured to defend the Liturgy in his sermon before the Synod of Glasgow, in the end of August, 1637. According to Baillie's opinion, he defended it as well as any man in Britain could have done. But his sermon caused a great din among the women in the town. "At the out-going of the church, about thirty or forty of our honest women in one voice before the bishops and the magistrates, did fall rayling, cursing, scolding with clamours on Mr. William Annand. All the day, up and down the streets where he went, he got threats in words and in looks; but, after supper, while needlessly he will go to visit the bishop, he is no sooner on the street, at nine o'clock, in a dark night, accompanied with three or four ministers, than some hundreds of enraged women, of all ranks, are about him, with fists, staves, and peats, but no stones. However, upon his cries, and candles set out from many windows, he escaped all severe wounds; yet he was in great danger, even of his life."[28] Thus was the curtain drawn, and the first scene of the long tragic drama enacted which convulsed the kingdom.

[28] *Large Declaration. Letters and Journals*, Vol. I., pp. 20-21.

CHAPTER XXV.

The Covenanting Struggle.

THE moment had come for the King and his advisers in England to manifest their wisdom. Two lines of action were open to them, either unconditionally to withdraw the Liturgy, or at once to overwhelm all opposition. Charles was not inclined to adopt the first; and though quite unprepared to enforce the second, yet he clung to it, and only slowly and with difficulty became aware that his power was not commensurate with his will. The prevailing condition of the national mind was but imperfectly understood at headquarters in London; the King himself had merely looked at a few unimportant circumstances on the surface of society, and from these concluded that the Scots would offer little opposition to the introduction of the Liturgy. In the *Large Declaration* the King stated the reasons which he had for believing that his commands would be obeyed, and that the Liturgy would be received. These in effect were, that the nobles, and his Scottish subjects generally, who resorted to England, attended the churches in that country without finding any fault or quarrelling with the service; that the English Liturgy had been regularly read in the Chapel Royal at Holyrood since the year 1617, and had been attended by all classes without dislike; that it had been used by the bishops while conferring orders, and for several years back it had been read in some of the cathedral churches, and in the new College of St. Andrews; that for years many families had used it in private, and that when he was in Scotland, it had been read in all the churches which he attended. That inasmuch as the Scottish Liturgy was in substance the same as the English one, he never expected that a charge of popery or superstition would be brought against a Liturgy which had been compiled by the bishops and other divines, who, in Queen Mary's reign, had preferred banishment and death to submission to Rome, and which since had been cherished by the English clergy, who had done much to oppose popery.[1] But expectations founded on these reasons ought not to

have misled the King and his counsellors. Apart from political adversaries, resistance of another character might easily have been anticipated, from the manner in which the Liturgy itself was introduced, and from the nature of the book. It had been long known that the Presbyterians did not recognise any ecclesiastical supremacy in the King, or even any special right in the sovereign to interfere with religion, without the concurrence of the Church, and therefore it should have been foreseen, that they would certainly oppose the important alterations introduced by the authority of the King. The tone of the King's despatches distinctly manifest his view of the matter, which in effect was this—everyone in Scotland had done something wrong, or neglected to do what they should have done; his Majesty alone, under God, was thoroughly in the right, and therefore his will must be obeyed. But this misguided King was rudely brought to feel that there were stronger and more resolute minds and wills in Britain than his own.

Meanwhile the agitation and excitement had greatly increased throughout the kingdom. Differences had also arisen among the members of the Privy Council; the bishops blamed the lords, and the lords blamed the bishops for what had happened, instead of presenting a united front to the opposition. While the Government were thus frittering away their energies, petitions against the Liturgy began to be drawn up and presented. The first one came from Fife, headed by Alexander Henderson, which was followed by another from Glasgow. Henderson, minister of Leuchars, in name of himself and his brethren, presented a petition to the Privy Council on the 23rd of August, 1637. This document stated that the moderator of their presbytery had ordered them to receive two copies of the new Liturgy, and they had expressed their readiness to receive one copy, that they might ascertain what it contained, before they consented to use it. But this proposal was not accepted, and therefore they entreated the Lords of the Council to suspend the charge against them, for the following reasons:—1. Because the Liturgy is neither warranted by the authority of the General Assembly nor by any act of Parliament; 2. Because the liberties of the true Church, and the form of religion and worship received at the Reformation, and universally practised since, were warranted by the acts of the General Assembly, and by several Acts of Parliament; 3. Because the Church of Scot-

[1] Pp. 19-21.

land was a free and independent Church, and her own ministers were best able to discern what was in harmony with the Reformation, and calculated to promote the good of the people; 4. Because it was notorious that disputes, divisions, and trouble had arisen in the Church about a few of the many ceremonies contained in this Liturgy, which, when examined, had been found to depart far from the worship of this Church, and in some most essential points to draw near to the Church of Rome; 5. Because, since the Reformation, the people have always been taught a different doctrine, and they would not likely be willing to agree to such changes, even though their pastors were willing to submit. The Lords of the Council then passed an act declaring that there had been a misunderstanding touching the intention of the former acts: as they had only meant that ministers should buy copies of the Liturgy, and nothing more; but this was inconsistent with the tenor of their former acts, and with the proclamation prefixed to the Liturgy itself. At the same time the Council addressed a letter to the King, informing him of the discontent and of the clamour against the Liturgy in all parts of the country; and that they had agreed to let the matter rest till further instructed by his Majesty, after he should have summoned to his presence some of their own number.[2]

The King replied on the 10th of September. He declined to call any of the councillors to London, but expressed his displeasure that they had not caused the Liturgy to be read, and that they had been remiss in not bringing those who raised the tumult in July to condign punishment. He insisted that every bishop should cause the Liturgy to be read in his own diocese.

By this time a large number of petitions against the Liturgy had been circulated throughout the country; and on the 20th of September many of them were presented to the Council. The movement was rapidly gaining strength; as about twenty of the nobles, many of the gentry, and the chief men of the towns had joined it. A great number of people had assembled at Edinburgh, and the Earl of Sutherland presented a general petition to the Council, in name of the nobility, the barons, the ministers, and the burgesses. It urged that the introduction of the Liturgy would disturb the peace of the kingdom, and earnestly requested the

[2] Baillie's *Letters and Journals*, Vol. I., pp. 19, 449-450; Balfour's *Annals*, Vol. II., pp. 227-229.

Council to report to the King the real state of affairs, and to endeavour to persuade him to desist from interfering with their religion. The Council were sorely perplexed, hesitated, and wist not what to do; at last, they declined answering the petitions till they received instructions from the King. In a letter to the King, the Council stated that more than sixty-eight petitions had been presented against the Liturgy; they also requested the Duke of Lennox, who was then leaving for London, to inform the King of the true state of matters, and the difficulties which had unhappily arisen.[3]

On the 9th of October, 1637, the King informed the Council that he had postponed an answer to the petitions. About the middle of this month a greater number of people than before met at Edinburgh to await the King's answer, and with the view of inducing the magistrates to join them; while six fresh petitions from two hundred parishes were presented. A favourable and wise answer from the King might still have dissipated all alarm. On the 17th of the month, the reply was announced in the form of three proclamations at the Cross of Edinburgh. The first stated that nothing would be done that day touching Church affairs, and the multitude of petitioners and strangers were commanded to leave the capital within twenty-four hours; the second ordered the seat of government and the courts of law to be removed to Linlithgow (a move which had been tried before); and the third denounced a book, which had been popular, viz., "A Dispute against the English Popish Ceremonies obtruded upon the Church of Scotland," all copies of which were ordered to be brought in to the Council, and publicly burned.[4]

The citizens of Edinburgh and the people then assembled there were deeply offended, and directly resolved to disobey the proclamations, and not to separate till they had established a rallying-point. The next morning, while the Bishop of Galloway was on his way to the Council-house, a mob attacked him and pursued him to the door; while the crowd surrounded the Council-house, and loudly demanded that the obnoxious lords should surrender. The Council dispatched a messenger to the magistrates, asking their help, but he found that they were in the same plight as the Council. A part of the mob had stationed themselves around the town house, and some

[3] Baillie's *Letters and Journals*, Vol. I., pp. 21-22, 33, 453; Balfour's *Annals*, Vol. II., pp. 233-235.

[4] *Large Declaration*, pp. 32-34; Balfour's *Annals*, Vol. II., p. 236.

of them forced their way into the lobbies, and threatened that unless the magistrates joined the burgesses in opposing the Liturgy, they would burn the building. When this became known to the Privy Council, the High Treasurer and the Earl of Wigton forced their way through the multitude to the town-house. After a brief consultation, it was agreed that the magistrates should do all in their power to disperse the crowds; they accordingly announced to the seething multitude that they had acceded to the demands of the people, and were ready to join in their petitions against the Liturgy. The Treasurer and his followers now thought that they might venture to return to the Council-house; but as soon as they appeared on the street, they were assailed with hootings and jeers. The lords assured the excited people that they would urge their requests upon the King, but this was received with scornful hissing. Then a rush was made, and the Treasurer was thrown to the ground, and his hat, cloak, and staff of office were torn from him, while he was in danger of being trodden to death; but some of his companions got him to his feet, and the pressure of the crowd half carried him and his friends to the Council-house door, where they immediately disappeared. In a short time the magistrates joined the Council, and then the authorities were beset, many of them trembling for their lives. At last it was resolved to send for the nobles who had already declared themselves against the Liturgy, and by their exertions the crowd was dispersed, and the councillors got in safety to their homes.[5]

Meantime, the nobles, the gentry, the ministers, and others opposed to the Liturgy, had been engaged deliberating on the form of a complaint against the bishops, which was to be presented to the Council. Two forms were prepared, one by Henderson and Lord Balmerino, the other by Dickson and Lord Loudon. The latter was adopted, and immediately signed by about twenty-four earls and lords, by upwards of a hundred of the gentry, and by many of the ministers. The subscribers of this document stated, that by the tenor of the late proclamations they had been forced to remonstrate against the archbishops and bishops of the kingdom, who having been entrusted by the King with the government of the Church, had framed and enjoined two books—the Canons and the Liturgy; and that, in the Liturgy, not only were the seeds of divers superstitions sown—

[5] *Large Declaration*, pp. 34-38; Baillie's *Letters and Journals*, Vol. I., pp. 37-38.

idolatries, and false doctrines, but also the English service-book was abused, especially in the communion, in a manner quite contrary to the intentions of the blessed Reformers of religion in England ; while in the Book of Canons the observance of the Liturgy was enforced under the penalty of excommunication, and many regulations were enacted tending directly to foster superstition and error. And therefore, from their duty to God, to their King, and to their country, they craved that the matter should be tried, according to the laws of the kingdom ; and that meanwhile the bishops should not be suffered to sit as judges. The Council promised to forward this petition to the King.[6]

The opposition party before separating, resolved to meet again on the 15th of November. In the interval they were to exert themselves to the utmost to ensure as large a meeting of the people as possible to receive an answer to their former petitions.

On the appointed day many earnest men arrived in Edinburgh, the influx of people being greater than ever, while the Earls of Rothes, Casillis, Eglinton, Home, and others, mingled with the crowd. The Privy Council, fearing a repetition of the former tumults, held a conference with some of the leaders of the petitioners at Linlithgow on the 14th of November. The councillors complained that the multitude of people congregated at Edinburgh threatened to break the peace of the kingdom, and that these meetings were illegal. The nobles, on the side of the petitioners, insisted on their right to meet and to present their grievances ; but to remove any cause of complaint, they suggested that their party were ready to act by representatives, and thus render crowded meetings unnecessary. The Council agreed to this proposal, and perhaps unwittingly lent its aid to the embodiment of a power in the nation which was quickly to supersede its own. The opposition party's scheme soon assumed a definite form. Four permanent committees were appointed : the first comprising all the nobles who had joined the movement ; the second consisting of two representatives from each of the counties ; the third embracing one minister from each presbytery ; and the fourth including one or two deputies from each burgh. These committees sat at different tables in the Parliament House—hence in history they were called the "Tables;" and together they represented the community. For business and effective action each of the com-

[6] Baillie's *Letters and Journals*, Vol. I., pp. 35-37.

mittees elected four representatives, and these united formed a select deliberative body of sixteen members, appointed to sit constantly in Edinburgh, with instructions to assemble the larger body of representatives when any critical emergency appeared. At first they merely took charge of the petitions, and urged them upon the attention of the government;[7] but they soon began to feel themselves strong enough to formulate proposals and plans for the party, and proceeded to issue mandates which were more respected and better obeyed than the proclamations of the King and his Council. They virtually assumed the functions of rulers, and the real control of affairs soon fell into their hands.

Though the troubles which the King's policy had raised in Scotland were thus forced upon his attention, even yet he but dimly understood the character of the movement. Accordingly he deemed it sufficient to dispatch the Earl of Roxburgh to negotiate; and then issued a proclamation intimating to his faithful subjects that he had delayed answering their petitions owing to the tumultuous and violent acts done in Edinburgh in contempt of his royal authority. He was graciously pleased to protest that he abhorred all popery, and that he had no intention of doing anything contrary to the laws of Scotland. This was not likely to pacify a people almost ripe for rebellion; accordingly the movement continued to develop and gather vigour.

On the 21st of December, 1637, the representatives of the Tables appeared before the Privy Council, and demanded that their petitions should be heard. Lord Loudon boldly restated their grievances touching the Book of Canons, the Liturgy, the Court of High Commission, and the bishops, who, it was asserted, were the authors of all these innovations. As the bishops were the chief delinquents, and directly interested parties, it was claimed that they should not be allowed to sit as judges upon the matters in dispute between the government and the petitioners. The Council's hands being tied by orders from the court, they remitted the whole matter for the determination of the King. The following is a part of Loudon's speech before the Council:—"A more weighty and stately cause than this, for which we now appear before your lordships, was never pleaded before any judge on earth: being for the defence of the true religion

[7] Balfour's *Annals*, Vol. II., p. 243; Baillie's *Letters and Journals*, Vol. I., pp. 40, 42.

and established laws, on which depends the welfare both of Church and Commonwealth, our condition of life, of liberty, and temporal estate in this transitory world, and our eternal happiness in the world to come; our duty to God Almighty, the supreme King of kings, and our allegiance and duty to our sovereign lord and master the King. . . . And in respect that, by the whole strain of our supplications and complaints, given in to your lordships, the archbishops and bishops are our direct parties, as contrivers, devisers, introducers, maintainers, and urgers of the Books . . . and other unlawful innovations and just grievances complained of by us, we crave that the matter may be put to trial, and the bishops taken order with, according to the laws of the realm, and not suffered to sit as judges, until our cause be tried and decided according to justice; so these prelates being the only parties, of whom we have at this time justly complained, must be declined as our judges, seeing that they cannot be both judge and party, according to the loveable laws of this kingdom. And our declaration ought to be sustained as relevant against them, notwithstanding that they have purposely absented themselves at this time, because if the matter and action depending shall not be decided at present, but shall happen, by answer or letter from his Majesty, to be remitted back to the Council, the chancellor and bishops who are councillors will be judges in the complaint given in against themselves; and the chancellor, with six or seven of the bishops, making up a quorum of the Council, may determine and dispose of our cause and petitions, now depending, as well as they passed an act of Council for approving the Liturgy before it was either printed or seen."[8]

The government and the King were now sadly perplexed; and about the beginning of 1638, Traquair, the Lord Treasurer of Scotland, was called to London. He found that the King was extremely ignorant of the real state of affairs in Scotland. Those whom he trusted were partly responsible for this; but the King himself was unwilling to be informed as to difficulties which he had himself helped to create. Some consultation was held concerning what was next to be done; but the idea of yielding to the opinions and sentiments of the people was never entertained by the King. In the end it was resolved to adhere to the Liturgy and the Court of High

[8] *Large Declaration*, p. 46. Baillie's *Letters and Journals*, Vol. I., pp. 455-458.

Commission, and to condemn and ignore all that had been objected against them, in order that the royal prerogative might be maintained. Popular meetings and demonstrations were to be prohibited and suppressed, while his Majesty took the responsibility of the Liturgy upon himself. The Treasurer returned with his instructions in the middle of February.[9]

The Privy Council and the Court of Session were then at Stirling, and a proclamation in accord with the royal conclusions was issued on the 19th of February. But the representatives of the Tables had been informed of this, and Lindsay and Home were there before the Treasurer himself. Accordingly, when the heralds had performed their part by proclaiming his Majesty's will, Lindsay and Home immediately took instruments in the hands of a notary, and protested that they should still have a right to petition the King; that they would not recognise the bishops as judges in any court; that they should not incur any loss for not observing such canons, rites, and proclamations as were contrary to Acts of Parliament and to Acts of the General Assembly; that if any disturbance should arise, it should not be imputed to them; that their requests proceeded from conscience, with no object save the preservation of the Reformed Religion, and the laws and liberties of his Majesty's ancient kingdom. This protest was in name of the nobles, the barons, the ministers, and the burgesses, appointed to attend the King's answer to their humble petitions. Similar protests on the part of the petitioners were entered at Linlithgow and Edinburgh, and wherever the royal proclamation was issued.[10]

The crisis was at hand. The opposition party felt that they could not recede, and therefore it was necessary for them to look to the future. Their only hope of successfully resisting the King was to unite on some common principle and end, easily understood, and capable of touching the sympathies, emotions, and the religious feelings of the people, and thus combine them together for action. At this stage an old custom suggested itself to them, as appropriate to the circumstances and the emergency. It was proposed, as in bygone days, that every adherent of the cause should be bound as one man by a solemn covenant. This kind of engagement, as we have

[9] Burnet's *Memoirs of the Dukes of Hamilton*, p. 33, 1677; Stafford's *Letters*, Vol. II.

[10] *Large Declaration*, pp. 48-52.

seen, reached far back in the history of Scotland, under the name of "bonds of manrent," by which the aristocracy leagued themselves together for mutual defence, or for performing some exploit, as the defeat of an enemy, the imprisonment or the murder of their King. On this occasion, the party opposed to the King's measures met at Edinburgh about the end of February, 1638, and agreed to revive the Confession and Covenant of 1581, which at that time was signed by James VI., his government and the people, throughout the kingdom.[11] To prepare the minds of the people, several of the ministers of Edinburgh preached in favour of renewing the Covenant. The framing of the famous document itself was entrusted to Alexander Henderson and Johnston of Warriston; and the Earls of Rothes, Loudon, and Balmerino were selected to revise it. This national Covenant consisted of three parts: the first was a copy of the Confession of 1581; the second contained a summary of the various Acts of Parliament which condemned Roman Catholicism, and ratified the Reformed Church; the third was the new Covenant or bond, by which the subscribers swore, in the name of the "Lord their God," that they would remain in the profession of their religion; that they would defend it to the utmost of their power from all errors and corruptions; that they would stand by the King's person in support of the true religion, the liberties, and the laws of the kingdom; and that they would stand by each other in defence of the same against all persons whatsoever. When the first draft of the Covenant was submitted to the committees, there were differences of opinion about it. Some thought that they could not bind themselves together for mutual defence without incurring treason; but after a long discussion, and some alterations having been made, a general agreement was obtained.[12]

The Covenanters had now assumed a new position in the kingdom. They had cast aside the character of humble petitioners to the

[11] Mackintosh's *Hist. Civilis. Scot.*, Vol. I., pp. 372-73; Vol. II., pp. 89, 177, 228.

[12] Peterkin's *Records of the Church of Scotland;* Baillie's *Letters and Journals*, Vol. I., pp. 52-54. At first Baillie had scruples, and he caused some of the articles of the Covenant to be modified, but after his concurrence in the general agreement, he says:—"What will be next, the Lord only knows, we are to humble ourselves in fasting and prayer." *Ibid.*, p. 54. This Confession and Covenant is usually printed in the same volume with the Westminster Confession.

authorities, and began openly to exercise the functions of government themselves. They had become a compact and well organised body, ready to act upon the people in the most effective manner, by appealing to their religious convictions and feelings, to their national pride and passion, and to their hopes and fears.

When everything had been prepared for securing the adhesion of the people, it was resolved to inaugurate the new scheme at Edinburgh, on the 28th February, 1638. A multitude of the people had then congregated in the Greyfriars' Church and Churchyard ; and there they were addressed in glowing terms on the preservation of their religion, the true Presbyterian polity, their duty to God and their country, till their feelings and emotions were raised to such a high pitch of enthusiasm, that they firmly believed their everlasting happiness depended on maintaining the purity of the reformed faith. Such was the feeling of the people, when, at two in the afternoon, the Earls of Rothes and Loudon, Henderson and Dickson, ministers, and Johnston of Warriston, appeared with the Covenant. Henderson having opened this part of the proceedings with prayer, Loudon addressed the assemblage ; and then all were asked to come forward and sign the Covenant. The Earl of Sutherland was the first to sign, being followed by Sir Andrew Murray; thereafter crowds surrounded the table, and when those in the church had signed the Covenant, it was taken out to the graveyard and placed on a flat gravestone. There the enthusiasm reached its greatest height, men and women being equally eager to subscribe their names. The brave work went on for several hours, till every inch of the long roll of parchment was covered. Night at last closed the scene. "It was a day wherein the arm of the Lord was revealed—a day wherein the princes of the people were assembled to swear fealty and allegiance to that great King whose name is the Lord of Hosts." Henderson described it as—"The day of the Lord's power, wherein they had seen His people most willingly offer themselves in multitudes, like the dew of the morning." [13]

The following day copies of the Covenant were circulated in Edinburgh, the citizens almost universally signing it, while other copies were immediately sent throughout the kingdom. Efforts were made to arouse the enthusiasm of the people, and many with uplifted

[13] Wilson's *Defence of the Reformation Principles of the Church of Scotland ;* Rothes' *Relation.*

hands subscribed and swore to maintain the Covenant. Commissioners were sent to Glasgow and to Aberdeen, the only places where serious opposition was expected. The Professors of the University of Glasgow, and some of the ministers who held the doctrine of non-resistance, were opposed to the Covenant, and refused to subscribe. The doctors of the University of Aberdeen also spoke and wrote boldly against the Covenant, and in spite of the efforts of a deputation from the South, very few of the citizens of Aberdeen could be induced to sign it; they asserted that it was an unlawful combination against established authority. Pamphlets were published on both sides of the question, and the controversy was hotly maintained for a time. But this war of words was shortly hushed amid the general unanimity of the other parts of the kingdom. Such was the energy and tact of the leaders of the movement, that within two months nearly all the inhabitants of Scotland had given in their adherence to the Covenant, except those above mentioned, the courtiers, the bishops and their fraction of adherents.[14]

The Privy Council, already alarmed, were sitting at Stirling while the Covenant was being carried about the streets of Edinburgh for signatures, and great was their embarrassment at the determined opposition of the Presbyterians. After four days' deliberation they agreed to send Sir John Hamilton, the Justice Clerk, to London, to inform the King that the whole nation was in a state of excitement; that the Book of Canons, the Liturgy, and the High Commission, and the modes in which they had been introduced, were the causes of all the turmoil; and that His Majesty should, "as an act of singular justice," inquire into these grievances of his subjects. The Earls of Traquair and Roxburgh also wrote to the King, distinctly informing him that the dread of religious innovation had raised a conflagration amongst all classes of the people which was daily becoming more vehement, and that no force in the kingdom could suppress it. As religion was the pretext, they suggested that it would be well for the King to free his subjects from their fears by withdrawing the Book of Canons and the Liturgy, and then he would be in a better position to punish the insolence of those who

[14] *The Answers of some Brethren of the Ministry to the Replies of the Ministers and Professors of Aberdeen*, 1638; Baillie's *Letters and Journals*, Vol. I., pp. 62-64, 66, *et seq.* It may be noted that, immediately after the Covenant was sworn at Edinburgh, the leaders of the party communicated with their friends in London, and sent them copies of the Covenant.

persisted in kicking against his authority. In the month of April, several members of the Privy Council and nobles were called to the Court, while some of the bishops were already there; the King, therefore, had a good opportunity of knowing the real state of Scotland. If anything more was needed to inform him, it was supplied in a paper forwarded to the Scottish Lords at court, containing a clear statement of the grievances of the Covenanters. This document expressly stated that the recalling of the Book of Canons and the Liturgy would not be sufficient to restore peace; it demanded that the High Commission should be utterly abolished, and complained of the Perth Articles, of the civil offices, and of the seats in parliament held by the bishops, and the oaths exacted from ministers. The Covenanters requested that a lawful and free General Assembly and a Parliament should be summoned as in former times, to redress the grievances of the people, to settle commotions, and to pacify the minds of the nation.

The Justice Clerk and other Scottish Councillors suggested soothing remedies, and the position of matters was earnestly discussed. At last the King called to his closet the Archbishops of Canterbury and St. Andrews, the Bishops of Galloway, Brechin, and Ross, and the Marquis of Hamilton, and measures of repression were resolved upon. At this meeting the King announced his intention to send the Marquis of Hamilton to Scotland as High Commissioner with power to settle the troubles of the nation.[15]

A proclamation was prepared to be sent with Hamilton to Scotland. In it the King promised not to press the Canons and the Liturgy, except in a fair and legal way; that he would limit the High Commission, and that he would overlook all that was past, if his subjects would renounce and disclaim their factious bonds, and return to their loyal duty; but those who declined to do this would be treated as rebels and traitors. The King's instructions to Hamilton were signed on the 16th of May, 1638, and were in accord with the contents of the proclamation just indicated. They extended to twenty-eight articles, the last of which was in these terms:—"If you cannot, by the means prescribed by us, bring back

[15] Burnet's *Memoirs of the Dukes of Hamilton*, pp. 34-43; Balfour's *Annals*, Vol. II., pp. 252-261. There is evidence that Hamilton had a better grasp of the difficulties than the King; yet even the Marquis had not a very complete appreciation of the hardness of the task which he undertook when he entered on the mission of defeating the aims of the Covenanters.

the refractory and seditious to due obedience, we do not only give you authority, but command all hostile acts whatsoever to be used against them, they having deserved to be used in no other way by us, but as a rebellious people; for the doing whereof we will not only save you harmless, but account it as acceptable service done us."

Meanwhile the Covenanters were proceeding with their work. They had little confidence in the word of the King, as he had already shown that his opinions and feelings were entirely against them. Several of the presbyteries had relieved the constant moderators of their duties, while some of the uncovenanted ministers were removed from their churches. In some cases, the clergy who clung to Episcopacy and refused to take the Covenant, were mobbed and maltreated, but the majority of the Covenanters disapproved of such proceedings, though they were not always able to prevent outrages.[16]

Early in June, 1638, three months after the first signing of the Covenant, the Marquis of Hamilton arrived in Scotland. It was evident from the King's instructions to him, that there was no intention of granting the demands of the Covenanters, and the Marquis soon discovered that his instructions were entirely futile. All the southern counties were under the control of the Covenanters. They had already ordered supplies of arms, and threatened to seize the Castle of Edinburgh. The Crown could place little reliance on the Privy Council, as some of its members were associated with the discontented nobles. Lord Lindsay told Hamilton that the people would never relinquish the Covenant; that Episcopacy must be modified, if not abolished; and that if a Parliament and General Assembly were not summoned by the King's authority, the Covenanters would take matters into their own hands. So Hamilton did not venture to publish the royal proclamation, as he had no means of enforcing it. He wrote to the King, stating that his Majesty should be prepared either to concede all the demands of his subjects, or to suppress the movement by force. Charles replied that his preparations were progressing, that the Castles of Edinburgh and Stirling should be secured, and meantime he instructed Hamilton to flatter the Covenanters with any hopes he pleased, to gain time, until he should be in a position to suppress them: for said Charles—"I will rather die than yield to their impertinent and damnable demands; for it is all one to yield to

[16] Baillie's *Letters and Journals*, Vol. I., pp. 70-71; Burnet's *Memoirs of the Dukes of Hamilton*, pp. 43-51.

be no king in a very short time." On the 20th of June, the King informed Hamilton that his warlike preparations were well advanced. Arms for 14,000 foot, and 2000 horse, had been ordered, and his ships were ready. Other communications passed between the King and Hamilton, the result being thus stated by Charles himself:— "I will only say, that so long as this Covenant is in force, whether it be with or without explanations, I have no more power in Scotland than as a Duke of Venice, which I will rather die than suffer; yet I command the giving ear to their explanations or anything to win time. Lastly, my resolution is to come myself in person, accompanied like myself, sea forces, nor Ireland, shall not be forgotten." [17]

Hamilton saw that he could do nothing to restore the confidence of the nation, and resolved to return to London for fresh instructions. Before leaving, he issued, in an amended form, the King's proclamation, which had now assumed something of an apologetic strain in defence of the King's action. It was published at the Cross of Edinburgh, on the 4th of July, and when the royal herald concluded, the representatives of the Covenanters immediately began to read their protest. The proclamation had no effect in appeasing the Covenanters. Touching this royal proclamation, Baillie says: "It was heard by a world of people with great indignation: we all do marvel that ever the Commissioner could think to give satisfaction to any living soul by such a declaration, which yet he often professed with confidence of that paper before it was heard; there must be some mystery here which is not yet open. This declaration cannot be the one which his grace brought with him, that was thought certainly to contain a command of surrendering our Covenant; but of our Confession is no syllable; yet this has apparently been drawn up here very lately by the bishops and statesmen who are trusted, with the consent as it seems of the Commissioner, for the date of it is but six or seven days, at Greenwich, before it was proclaimed at Edinburgh.[18]

Before the Marquis departed, the leaders of the Covenanters intimated to him, that if he did not return by the 5th of August with a favourable answer to their demands, they would consider themselves entitled to take whatever steps they thought fit. He left on the 6th of July, and did not return till the 8th of August.

[17] Burnet's *Memoirs of the Dukes of Hamilton*, pp. 52-61.

[18] *Large Declaration*, pp. 95-106. *Letters and Journals*, Vol. I., p. 91.

During his absence the Covenanting party were actively engaged in strengthening and completing their organisation; and excepting Aberdeen, they had almost the entire nation on their side. In the Northern and Western districts some of the ministers were unwilling to subscribe the Covenant, but the influence of the local nobles tended to overcome their scruples.[19]

When Hamilton arrived at Court, after some deliberation the King, with the advice of Laud, issued new instructions to his commissioner. On his return to Scotland, he was empowered under limits to summon a General Assembly and a Parliament; he was to endeavour to arrange that the bishops should have votes in the Assembly, and if possible that one of them should be moderator of the Assembly; he was to protest against the abolition of bishops, but might permit them to be tried if accused of definite crimes. He was further to insist that no laymen should have votes in electing the ministers from the presbyteries to the General Assembly. With the aim of counteracting the effects of the Covenant, it was proposed that the King should sign the Confession of 1560, and publish it with a bond to be subscribed by all his subjects, by which they were to swear to maintain the Confession, and to defend the King's person, and the laws and liberties of the kingdom. But this movement to withdraw the people from the national Covenant completely failed.[20]

On Hamilton's return to Scotland, he found that the demands of the Covenanters had rather increased, and that they could not agree to the limits which his instructions required. If they were to have a General Assembly, the scope of its proceedings must be left, they said, to the judgment of its members; while they had resolved that both elders and ministers should have votes in the election of the members of the Assembly. Further they declared that they would not consent to be fettered beforehand—their Assembly must be free; and hinted to the Royal Commissioner that it might be called by themselves without waiting for the King's authority. The Marquis thus finding that no concessions could be obtained from the Covenanters, again proposed to visit the court and consult with the

[19] Balfour's *Annals*, Vol. II., p. 277; Rothes' *Relation*.

[20] *Large Declaration*, pp. 111, 113-117; Burnet's *Memoirs of the Dukes of Hamilton*, pp. 65-68.

King; and having promised to return an answer by the 20th of September, he left for London.[21]

The King and Hamilton met at Oatlands, and on the 9th of September, new instructions for the Royal Commissioner were signed. The weakness of the King's policy, and the utter folly of many of his proposals touching the difficulties in Scotland, had become painfully manifest. But to crown his folly, he now consented to sign the negative Confession of 1581, which formed the first part of the Covenant, as if this royal act, after what had already happened, would raise the confidence of the people in their King. The Privy Council were ordered to sign it themselves, and to command all his Majesty's subjects to follow the example of their King and at once subscribe it; for if they must have a Covenant, it was his pleasure that they should accept this one alone.[22]

Hamilton arrived in Edinburgh on the 17th of September, and a meeting of the Council was immediately held. The King's proposals were placed before the meeting, and the councillors agreed to subscribe the negative Confession as required, and passed an act expressing their satisfaction. They also resolved that the King's concessions should be proclaimed. Accordingly, it was announced at the Cross of Edinburgh that a General Assembly was appointed to meet at Glasgow on the 21st of November, 1638, and a Parliament at Edinburgh on the 15th of May, the following year. All the people were commanded to follow the good example of the King and his Council, by subscribing the negative Confession and bond for the defence of religion and law. But this move completely failed to entrap the Covenanters; and they protested as usual against the proclamation. Thus, for a short time, there were two Covenants in the field competing for popular support, the King's one and the Tables' one; both were canvassed vigorously throughout the kingdom, both sides reproaching each other with employing coercion and discreditable means to procure signatures. While these covenanting operations were proceeding, every town and every parish became excessively excited, and people readily believed anything that seemed to favour their own party. The King's Covenant was signed by a majority of the judges, by many in Angus, in Aberdeen, and by

[21] Baillie's *Letters and Journals*, Vol. I., pp. 99-101; *Large Declaration*, pp. 117-122.

[22] Burnet's *Memoirs of the Dukes of Hamilton*, pp. 72-75; *Large Declaration*, pp. 134-135.

some in Glasgow. It was reported that twenty-eight thousand in all had signed it, of which twelve thousand were obtained through the influence of the Marquis of Huntly; but it failed to secure anything approaching to the amount of support accorded by the people to the National Covenant.[23]

The nation was now wistfully looking forward to the approaching General Assembly, on which so great an issue depended. The leaders and the committee of the Covenanters were actively and earnestly engaged in preparing for the proper constitution of the Assembly. In the end of August directions had been sent to the Presbyteries how to proceed; and minute instructions were subsequently despatched to them touching the mode of electing their representatives, along with a copy of the Act of Assembly of 1597, concerning the number of members which each Presbytery was entitled to send to the Assembly. They got a form of commission, and in short, the committees of the Tables managed the elections in such a way that the most ardent of the Presbyterian ministers were returned as members, and the leading lay Covenanters as ruling elders. Their organisation was so complete, and their energy so effective, that the supporters of Episcopacy gave up the contest in despair.[24]

But one serious difficulty yet remained, the trial of the bishops. As the Covenanters had no legal power to cite the bishops to appear before the Assembly, they requested Hamilton to grant a warrant for summoning them, but he refused this on the ground that it was enough if he refrained from placing any obstacle in the way of their being brought to a fair trial. Indeed, the bishops' declinature had already been revised by the King, and was intended to be used, not merely as a bar to their trial, but also as a pretext for dissolving the Assembly itself. The Covenanters then asked the judges of the Court of Session to grant a summons against the bishops, but they replied that such causes were beyond their jurisdiction. The leaders of the Covenanters, however, had determined not to be baffled for lack of legal forms and precedents. A libel was framed and signed by a long list of nobles, burgesses, and ministers, and brought

[23] *Large Declaration*, pp. 137-153, *et seq.*; Baillie's *Letters and Journals*, Vol. I., pp. 103-108; Burnet's *Memoirs of the Dukes of Hamilton*, pp. 79-83.

[24] Baillie's *Letters and Journals*, Vol. I., pp. 469-472; *Large Declaration*.

before the Presbytery of Edinburgh; and this body, after considering the matter, remitted it to the coming Assembly.[25]

This libel against the bishops consisted of two chief parts, the one containing charges against them as a body, and the other special charges against each of the bishops personally; the latter, however, being only founded on common report, were never intended to be proved. It is the first, or the historical part of the libel, which has any real value, as the charges in it contained matters which could be proved or disproved on historic grounds. Thus they were accused of breaking the cautions agreed to in the General Assembly of 1600, concerning ministers' votes in Parliament and other points; of violating several points of the Book of Discipline, and of the Book of Fasting; of teaching doctrines contrary to the Reformation Confession of Faith; of exacting unlawful oaths from entrants to the ministry; of assuming the position of diocesan bishops, taking consecration and claiming the power of ordination and jurisdiction in virtue of an unwarrantable office; of introducing the Book of Canons, the Liturgy, and the High Commission, and so causing great dissension between the King and his subjects. This part of the indictment against the bishops could easily be supported by a mass of unimpeachable evidence, but it is needless to enter into its details. When the Covenanters made grave charges against the personal character of the bishops, their action cannot be so clearly justified.

The Covenanters had prepared for mustering in force, and as the day of the meeting of the Assembly approached, men began to flock into Glasgow from all quarters of the country. On the 16th of November, the western nobles arrived with their vassals and friends; and the following day the eastern nobles, gentry, and ministers entered the city. Hamilton, as Royal Commissioner, accompanied by the Lords of the Privy Council, arrived on the 17th; and the city of the west presented a scene of unusual bustle. For the next three days, both parties were intently engaged in strengthening themselves for the contest.[26]

[25] Balfour's *Annals*, Vol. II., pp. 297-300; Burnet's *Memoirs of the Dukes of Hamilton*, p. 88; *Large Declaration*, pp. 209-220.

[26] Baillie says—"On Friday, the 16th of November, we in the west, as we were desired, came into Glasgow. . . . We were informed that the commissioner and his councillors were to take up the town with a great number of their followers; so that the nearest noblemen and gentlemen were desired to come in that night well attended. The town did expect and provide for huge

After much preliminary arrangement, the Assembly met on the 21st of November, 1638, in the Cathedral Church. The members of the Assembly consisted of one hundred and forty ministers, ninety-eight ruling elders from presbyteries and burghs, and two professors not ministers. Among the elders, there were seventeen nobles, nine knights, twenty-five landed proprietors, and forty-seven burgesses, all men of some local standing,—thus the total number of members was two hundred and forty.[27] Burnet says—"There were about two hundred and sixty commissioners; besides that, from every presbytery there were also assessors, from some two, three, four, or more, who had no vote, but only to give advice; so that in all they made a great number.

The first day was occupied with religious services and matters of form. The second day, the Covenanters insisted that the election of moderator was the first thing to be done in order to constitute the Assembly, but the Royal Commissioner and his party argued that a moderator should not be chosen till the commissions of the members were examined, that it might be known who were properly entitled to vote. When it appeared that Hamilton would be defeated on this point, he proposed to read a paper presented to him in the name of the bishops against the Assembly, but the proposal was met with shouts of dissent. A stormy debate ensued, followed by protests and counter-protests, which continued till every one was wearied. After this, Henderson, minister of Leuchars, was chosen moderator, and Johnston of Warriston appointed clerk. Johnston was well versed in the law, a man of keen judgment, and an ardent Covenanter. Several days were passed in examining the commissions of the members, and other disputed points, while some sharp debating took place, in which the Royal Commissioner had to encounter the leading disputants of the Assembly.

multitudes of people, and put on their houses and beds excessive prices. . . . On Saturday the most of the Eastland noblemen, barons, and ministers came in. In the afternoon, my Lord Commissioner, with most of the Council, came in; my Lord Rothes, Montrose, and many of our folks went to meet his grace: much good speech was among them; we, protesting that we would crave nothing but what clear scripture, reason, and law would evince; his grace answering, nothing reasonable should be denied."—*Letters and Journals*, Vol. I., p. 121.

[27] Peterkin's *Records of the Church of Scotland; Memoirs of the Dukes of Hamilton*, p. 98.

On the 27th of November, the bishops' declinature of the Assembly's authority was again urged by Hamilton, and this time it was read by the Clerk of the Assembly, amidst jeers and laughter. Hamilton spoke and argued on the weight and importance of the document, and some parts of it were debated. The next day, the moderator put the question—Whether the Assembly found itself a competent judge of the bishops? The Royal Commissioner then rose and said: If the Assembly proceed to censure the office of the bishops, he must immediately withdraw, as the King's sanction could not be given to this. He spoke earnestly touching the admission of lay elders as members of the Assembly, to which he strongly objected; referred to the irregular form in which the bishops had been cited, and asserted that the Assembly had no right to act as their judges. Speeches were delivered from the other side on the freedom of the Assembly; to which the Commissioner replied, by arguing that the election of the members had been controlled by the Tables, that for months before the Assembly, the orders of the Committees of the Tables had been obeyed by all; and, at last, in the King's name he declared the Assembly dissolved, and departed. But immediately a protest was read that his absence should not prevent the Assembly from proceeding with the work which it had undertaken. It was then put to the vote, whether they should adhere to their protest, and continue the Assembly, and it was agreed almost unanimously to continue it to the end. The next important question was, whether the Assembly was competent to judge the bishops, and this too was answered unanimously in the affirmative, as also that it was proper to proceed with their trial.

Thereafter the Assembly went on rapidly with its business. All the acts of the Assemblies since 1605, including the five Articles of Perth, were annulled. Acts were passed condemning the Book of Canons, the Liturgy, the Book of Ordination, the High Commission, and Episcopacy. The bishops themselves were tried and condemned, though none of them were present in the Assembly. Probation of the libels against them was referred to a committee; with the result that they were all deposed, and eight of them excommunicated. The nation did not want bishops, and that was deemed an all-sufficient reason for casting them out. They had always allied themselves with the despotic tendencies and arbitrary proceedings of the Crown; they were in reality the tools of the King: they belonged to him, and not to the people; they were intended to be, and had

been, to the utmost of their power, the pliant ministers of the royal will, not the servants of the nation, and hence the suddenness and completeness of their fall.

As the Assembly had abolished Episcopacy, it naturally followed that the Presbyterian polity should be restored, with its appropriate organisation. Acts were passed concerning the visitation of colleges and schools, and for planting schools in the country; acts forbidding ministers to accept civil offices, for repressing popery and superstition, and for the better observance of Sunday; acts for dealing with those who spoke or wrote against the Covenant, prohibiting the printing of books touching Church affairs without the warrant of Archibald Johnston, Clerk to the Assembly and legal adviser of the Church; and many other acts. Finally, on the 20th of December, the Assembly agreed to address a letter to the King justifying their proceedings and requesting his approval. The meeting then closed its work by appointing the next General Assembly to meet at Edinburgh in July 1639.[28]

Presbyterians have long looked back to the General Assembly of 1638, as the date of their Second Reformation, though it cannot be compared to the Revolution of 1560. Its proceedings were somewhat violent, like all revolutionary movements which are the result of the preceding and existing states of society—the outcome of its dominant thought and sentiment and feeling. As explained in the second volume, the degree of violence connected with a revolutionary change originated amongst the people, depends upon the state of their civilisation at the time of its occurrence.[29] In this instance, the amount of violence which ultimately flowed from the hostile movement in Scotland against the King and his government was not by any means entirely attributable to the Scots; as England, Ireland, and even more distant lands participated in the struggle.

The firm establishment of Presbyterianism in Scotland was the end and aim of the Covenanters, and the movement was watched with interest by the adherents of a similar polity in England. Indeed, in the circumstances of Europe at the time, the cause of the Scots appeared to be the cause of Protestantism, which had so recently

[28] Peterkin's *Records of the Church of Scotland*; *Large Declaration*, pp. 234-324; Baillie's *Letters and Journals*, Vol. I., pp. 123-176; Balfour's *Annals*, Vol. II., pp. 301-316.

[29] Mackintosh's *Hist. Civilis. Scot.*, Vol. II., pp. 94-95.

been everywhere placed at a disadvantage by the defeat of Nordlingen. In 1637 the arms of the Catholics had asserted their supremacy on the Rhine and in the Netherlands: and the marked advance which Catholicism was once more making roused the Protestant spirit to the utmost vigilance.

We are now arrived at the time when an intimacy sprang up and mutual relations were formed between the Covenanters and a vigorous party opposed to the policy of the King in England, both being prompted by a common dislike to Episcopacy. The ruling motive in the policy of Charles I., was to maintain and complete the Tudor principles of government in Church and State in England, and to extend them to Scotland. The Scots met him in an attitude of opposition as yet unexampled in any other monarchy. He hoped, and had vainly tried, to crush them by the strength of his influence in England. The results of his action were that the movement spread to England itself.

The origin and cause of the Covenanting struggle having been indicated at some length, it would be superfluous to burden this work with the details of the civil war which ensued, save in so far as is requisite for a proper understanding of the sequence of leading events.

After the conclusions of the Glasgow Assembly, civil war became inevitable, and both parties actively prepared for it. The Covenanters began to buy arms and to enlist men. At this time, fortunately for them, the fury of the war on the Continent was abated; and many Scotchmen who had been engaged in it, were returning home, where the signs of the coming contest were already unmistakable. One of the most distinguished of these military adventurers was General Alexander Leslie, who became leader of the Covenanting armies. He was a man of comparatively humble birth, but in the German wars he had attained to rank, and gained much experience. He speedily organised a Scottish army, and equipped it for the field. The Covenanters seized the Castles of Edinburgh and Dumbarton, and other important posts, and made every preparation for the approaching conflict.[30]

The King had ordered his army to muster and meet him at York, in April, 1639; and though the English clergy naturally contributed largely to the support of the army, still the war was unpopular. Charles

[30] Spalding's *Memorials of the Troubles*, Vol. I., p. 130; Baillie's *Letters and Journals*, Vol. I., pp. 111, 195-198.

proposed to lead his army in person, and sent a fleet into the Firth of Forth, under the command of the Marquis of Hamilton, to interrupt trade, to threaten Leith, and to favour the rising in the north under the Marquis of Huntly, who had received a royal commission of lieutenancy on the 16th of March.

Huntly mustered his followers, and on the 25th of March he was at Inverurie with a force of five thousand men. When he received tidings that the Covenanters were marching to the north under the command of the Earl of Montrose, Huntly knew that without assistance from England, he could not face the enemy. He called a council of war, and on its advice, disbanded his troops, leaving Aberdeen open to the Covenanters. A number of the leading citizens, accompanied by some of the Doctors, fled from the city to offer their services to the King; while others found refuge in houses in the vicinity of the town. Montrose marched into Aberdeen on the 30th of March at the head of six thousand men; and the Covenanters of the surrounding country joined him with other three thousand men. Leaving a garrison in the city, he advanced on Inverurie, where he quartered his troops on the opponents of the Covenant. Huntly, seeing no hope of aid from the South, then sought an interview with Montrose; and on the 5th of April a compromise was effected, by which the Catholics, who were not to be pressed to sign the Covenant, agreed to maintain the laws and liberties of Scotland. Huntly was permitted to return to Strathbogie. A few days after, he was invited to Aberdeen, under a safe conduct signed by Montrose and the other leaders, and arrived there on the 12th of April. Montrose's object was soon apparent. He had entrapped Huntly, and made him a prisoner. The Marquis and his eldest son, Lord Gordon, were immediately conveyed to Edinburgh. On arriving at the capital, Huntly was pressed to take the Covenant, but replied, "for my own part, I am in your power; and resolved not to leave that foul title of traitor as an inheritance upon my posterity. You may take my head from my shoulders, but not my heart from my Sovereign." Thus the King's hope of a rising in his favour in the North was blasted.

In fact, ere Charles arrived at York the whole of Scotland was in the hands of the Covenanters. In the end of May, the Covenanting army was encamped at Dunse Law, while Charles had advanced to Berwick, and posted his force on the opposite side of the Tweed. The two armies thus lay for some days watching each

other, both seeming unwilling to strike. The Covenanters knew their advantages, but if they could have induced the King to grant their requests without battle, they would have been glad. In the words of Baillie :—"We sought no crowns; we aimed not at lands and honours; we desired but to keep our own in service of our prince, as our ancestors had done; we loved no new masters. Had our throne been vacant, and our votes sought for the filling of Fergus's chair, we would have died ere any other had sitten down on that fatal marble but Charles alone." He gives an interesting account of the Scottish Covenanting army as it lay encamped. "It would have done you good to have cast your eyes athort our brave and rich Hill, as I oft did, with great pleasure and joy; for I was there among the rest, being chosen preacher by the gentlemen of our shire, who came late with my Lord Eglinton. I furnished to half-a-dozen good fellows muskets and pikes, and to my boy a broadsword. I carried myself, according to custom, a sword, and a couple of Dutch pistols at my saddle; but I promise, for the offence of no man, except a robber by the way; for it was our part to pray and preach for the encouragement of our countrymen, which I did to the utmost of my power cheerfully. Our hill was garnished on the top, towards the south and east, with our mounted cannon, nearly to the number of forty, great and small. Our regiments lay on the sides of the hill, almost round about: the place was not a mile in circle, a pretty round rising in a declivity, without steepness, to the height of a bowshot; and on the top somewhat plain; about a quarter of a mile in length, and as much in breadth, and capable of containing tents for forty thousand men. . . . Our captains, for the most part, were barons or gentlemen of good note; our lieutenants almost all soldiers who had served abroad in good charges; every company had, flying at the captain's tent-door, a brave new colour, stamped with the Scottish arms, and this—"For Christ's Crown and Covenant," in golden letters. . . . The councils of war were held daily, in the castle at the foot of the hill; the ecclesiastical meetings in Rothes' tent. The general came nightly for the setting of the watch on their horses. Our soldiers were lusty and full of courage; the most of them stout young ploughmen; and a great cheerfulness in the face of all: the only difficulty was to get money to pay them. None of our gentlemen were any the worse of lying some weeks together in their cloak and boots on the ground, or standing all night in arms in the greatest storm.

"Our soldiers grew in experience of arms, in courage, and in favour daily; every one encouraged another; the sight of the nobles and their beloved pastors daily raised their hearts; the good sermons and prayers, morning and evening, under the roof of heaven, to which their drums did call them for bells; the remonstrance very frequent of the goodness of their cause, of their conduct hitherto, by a hand clearly divine; and also Leslie, his skill and fortune, made them all as resolute for battle as could be wished. We were afraid that emulation among the nobles might have done harm, when they should be met in the fields; but such was the wisdom and authority of that old, little, crooked soldier, that all, with an incredible submission, from the beginning to the end, gave over themselves to be guided by him, as if he had been Great Solomon. Certainly the obedience of the nobles to that man's orders was as great as their forefathers' wont to be to their king's commands: yet this was the man's understanding of our Scots humours, that gave out, not only to the nobles, but to the meanest gentleman, his directions in a very homely and simple form, as if they had been but the advices of their neighbour and companion; for, as he rightly observed, a difference should be used in commanding soldiers of fortune and of volunteers; and of the latter the greater part of our camp consisted.

"Had you lent your ear in the morning, or especially at even, and heard in the tents the sound of some singing psalms, some praying, and some reading scripture, you would have been refreshed. True, there was swearing, and cursing, and brawling in some quarters, whereat we were grieved; but we hoped, if our camp had been a little settled, to have taken some way of dealing with these disorders."[31]

Negotiations were shortly after opened, which led to the following arrangement: the King published a declaration, stating that the religious matters in dispute were to be referred to a General Assembly to be held at Edinburgh on the 6th of August, 1639, and to a Parliament to meet on the 20th of the same month. The King promised to recall his fleet and disband his army; the Covenanters were to disband their forces within forty-eight hours, to restore the castles to the Crown, and to hold no public meetings except those authorised by the law. This treaty was accompanied with explana-

[31] Baillie's *Letters and Journals*, Vol. I., p. 215. *Letters*, Vol. I., pp. 211-214, 245. Baillie himself made his will before he joined the army.

tions which afterwards caused much dispute. Peace was proclaimed in the English and in the Scottish camps, on the 18th of June; but mutual confidence between the King and the Scots was not fully restored.[32]

The General Assembly met at Edinburgh, on the 12th of August, 1639, and the Earl of Traquair attended as Royal Commissioner. The Assembly again condemned Episcopacy in clear and emphatic terms, and the King's Commissioner concurred. The Covenanters now felt themselves strong, and the proceedings of the committees appointed by the Glasgow Assembly, touching the deposition of ministers, were approved, with a statement that those deposed merely for signing the bishops' declinature, or receiving the Liturgy, might be restored on their repentance and submission. The Assembly renewed the Covenant, and requested the Commissioner and the Privy Council to pass an act commanding every one in the nation to subscribe it. The Council agreed to this, and passed the desired enactment. Thus the Covenant was becoming an instrument of intolerance. On the 30th of August, the last day of the Assembly, the members presented a petition to the Royal Commissioner against a book entitled "Large Declaration Concerning the Late Tumults in Scotland," lately published in the King's name. They requested the King to recall this book, and to grant authority to summon and bring to Scotland all Scotsmen, who were known or suspected to have been concerned in its composition, especially Walter Balcanqual. The Commissioner promised to place the petition before the King, and to report the result.[33] The Assembly appointed its next meeting to be held at Aberdeen, in July 1640.

Parliament met on the day after the Assembly rose, but it accomplished very little. Bills concerning the abolition of Episcopacy passed the Lords of the Articles, but they were not brought up for the sanction of the House. Time passed, and messages went between the Royal Commissioner and the King. Charles's fatal policy of

[32] Balfour's *Annals*, Vol. II., pp. 324-332; Baillie's *Letters and Journals*, Vol. I., pp. 218-221; Rushworth, III., 944.

[33] Peterkin's *Records*. The book which gave so much offence to the Assembly is the one often referred to in the notes of the preceding pages of this volume—*Large Declaration*: it is well known to all students of Scottish history, and it contains valuable historical papers and documents about the troubles in Scotland; though, of course, it presented many remarks and reflections which were extremely offensive to the Covenanters.

always insisting on retaining something, which he imagined might be of use to him in the future, led him to maintain the position, that he would not consent to any act of Parliament rescinding the existing laws by which Episcopacy had been established. This frustrated the object for which Parliament had met. At length Parliament was prorogued to the 14th of November, and then till the 2nd of June, 1640, nothing having been settled. The Covenanters rightly thought that the King was trifling with the important matters in dispute, and thus the causes of dissension were continued and intensified.

Charles again resolved to chastise the rebellious Scots. He still desired to act as a despotic King, and hoped to extinguish all opposition in Scotland. He summoned his English Parliament, which met in April, 1640. A majority of this Parliament refused to grant supplies till they had obtained redress of their grievances; but rather than submit, the King dissolved Parliament in anger, after a session of three weeks. Charles now decided to raise money and an army by other modes—such as benevolences, forced loans, commission of array, or in any other way by which he could muster a force to fight against the Scots. But difficulties were fast thickening around him, and when the 2nd of June came, he again sent a Commissioner to prorogue the Scottish Parliament. In carrying this out, however, a formal mistake was made, which the Estates instantly seized upon; and accordingly they proceeded to business. They enacted that henceforward the nobles, the barons, and the burgesses should be considered as constituting the three Estates of the kingdom, and all former acts permitting churchmen to sit and vote in Parliament were repealed. The Acts of the last General Assembly were ratified; and it was commanded that all His Majesty's subjects should sign the Covenant. It was also enacted that a Parliament should meet every three years; and before separating they appointed a permanent committee of the Estates, to act when Parliament was not sitting.[34]

The General Assembly met at Aberdeen in the end of July, 1640; but no commissioner appeared to represent the King. The Aberdeen doctors and several other northern ministers were tried before the Assembly, and some of them deposed from the ministry. Acts were

[34] *Acts Parl. Scot.*, Vol. V., pp, 288-292, 299-303. This parliament condemned the King's *Large Declaration*, "as full of untruths and lies, derogatory to his Majesty's honour and to his loyal subjects," and they ordered the authors of it to be punished, according to the laws of the kingdom. P. 302.

passed against the revilers of the Covenant; against witches and charmers; and for abolishing the monuments of idolatry. The Assembly had also under consideration the practice of private meetings, but there was a difference of opinion on this point among the members. Ultimately an act was passed for the regulation of family worship, by which private meetings, if held at improper hours, or composed of more than one family, were forbidden.[35]

But the Covenanters did not trust merely to the acts of the Assembly and of Parliament to secure their rights and further their ends. Throughout the spring and summer they had been actively engaged in organising their army; and had even sought to strengthen themselves by soliciting the assistance of France. In the north war was already declared against all the enemies of the Covenant. The Scots sent two manifestoes into the North of England, one a broadside for popular distribution, and the other in the form of a small pamphlet, in which they protested that the matter should be brought to an issue; as they could not afford to continue in arms for an indefinite period. Therefore, they were coming to England to ask redress of their grievances from the King; although they could scarcely hope for redress from him, but rather from a Parliament. Copies of the Scottish manifesto were freely circulated in London on the 12th of August; and Charles at a Council held on the 16th of August, announced his intention to proceed in person to York, and to assume the command of his disorganised army. On the 20th the King began his march from London to York, which he reached on the 23rd. His army consisted of about twenty-two thousand foot and three thousand cavalry, but they were neither well disciplined nor well led. On the 21st of August a Scottish army of twenty-five thousand men under the command of General Leslie, advanced southward, and crossed the Tweed at Coldstream. As soon as they entered English territory, a manifesto was issued explaining the object of the expedition and justifying it. The Scots advanced and forced the passage of the Tyne, defeating the royal troops; and on the 30th they took Newcastle and occupied it. They next advanced on Durham, and occupied the line of the Tees. On the 4th of September the Scots petitioned the King to listen to their grievances, and with the concurrence of the English Parliament to arrange a lasting peace. Charles ordered Hamilton, the Secretary for Scotland, to intimate to

[35] Peterkin's *Records;* Baillie's *Letters and Journals*, Vol. I., pp. 248-255.

the Scots that the King had summoned the Peers to meet at York on the 24th of September; and if they would then express their demands more definitely, he would give them a fitting answer; and meantime he desired them not to advance farther. In reply the Scots restated their demands thus:—that his Majesty would be pleased to ratify the acts of the last Parliament; that the Castle of Edinburgh, and other fortresses, should be occupied only for the security and defence of the country; that Scotsmen in England and Ireland should not be molested for having signed the Covenant; that the incendiaries, who had caused the troubles, should be brought to trial; that the expense incurred by the war, should be refunded, with the advice and concurrence of the English Parliament.

About this time, a number of the English nobles also petitioned the King to summon a Parliament. His difficulties daily increasing he offered to negotiate with the Scots, and summoned the English Parliament to meet at Westminster, on the 3rd of November, 1640. This assemblage was afterwards known as the Long Parliament. Within a few weeks after it met, Stafford was impeached.

The Commissioners appointed by the King and by the Covenanters met at Ripon on the 2nd of October, 1640, and agreed that the Scottish army should remain inactive at Newcastle; for this they were to receive eight hundred and fifty pounds a-day. Thus matters remained for some time, till the place of negotiation was transferred to London. After the 26th of October, the Scottish commissioners and the ministers who accompanied them, took an active interest in the policy of the English Parliamentary party. After long and very difficult treating, terms of peace were agreed upon, and ratified on the 10th of August, 1641. The main points of the agreement were that the acts of the Parliament of 1640 should be ratified; that the Castle of Edinburgh and other fortresses should be restored and used for the defence of the kingdom, with the advice of Parliament; that the King should not appoint men to office who had been declared disqualified by Parliament. "And whereas unity in religion and uniformity in Church government has been desired by the Scots, as a special means of preserving peace between the two kingdoms, his Majesty, with the advice of both Houses of Parliament, does approve of the affection of his subjects of Scotland, in their desire of having conformity of Church government between the two nations; and as the Parliament has already taken into consideration the reformation of Church government, so they proceed therein in due time as shall

best conduce to the glory of God, the peace of the Church, and the good of both kingdoms."[36] The Scots desired the abolition of Episcopacy in England, and their Commissioners argued for a union in religion between the two Kingdoms. On the 17th of May 1641, this matter was debated in the House of Commons, and a resolution in favour of conformity in Church government was carried. Yet, the House of Commons, though willing to overthrow Episcopacy, had no enthusiasm for Scottish Presbyterianism. At this time, the King wished to please the Scots, and make them contented, and thereby to separate their cause from that of the English. To promote this end, he resolved to visit Scotland. Accordingly he arrived in Edinburgh on the 14th of August, 1641.

The Estates had been sitting in Edinburgh since the middle of July ; and the King attended a meeting of the House on the 18th of August, and delivered a speech. He spoke of the differences which had arisen between him and his subjects, and of his anxiety to settle them ; of his love to his native country, which had caused him to face and to overcome many difficulties in order to be there at that time. He referred to the royal power which had descended to him through one hundred and eight descents, and which they had so often professed to maintain. In short, he said, " the end of my coming is to perfect all that I have promised ; and withal to quiet those distractions which have, and may fall out amongst you ; and this I am resolved fully and cheerfully to do ; for I can do nothing with more cheerfulness than to give my people content and a general satisfaction."[37]

Parliament sat long, and occupied itself with many things. It passed three hundred and nine acts, which touched upon many points of a personal and social character, as well as political and religious matters. It enacted that no one should sit in Parliament till he gave in his adherence to the Covenant. The acts of the Parliament of June 1640, were ratified, and received the royal assent ; the prerogatives of the Crown were diminished ; and in several points, the constitution of Parliament itself was changed. The King seems to have thought that he would be able to manage the English, if he could only pacify the Scots. He left Edinburgh for England

[36] Baillie's *Letters and Journals*, Vol. I., p. 263 ; *Acts Parl. Scot.*, Vol. V., p. 341 *et seq.*, pp. 371-382.

[37] Balfour's *Annals*, Vol. III., pp. 40-41 ; *Acts Parl. Scot.*, Vol. V., p. 362 *et seq.*

on the 18th of November. But the breach between him and his English subjects was daily widening. His interference with the freedom of the members of Parliament aroused intense excitement, and he found the city of London an unsafe place for him. Accordingly he removed his court thence to York in the spring of 1642.[38]

The Covenanters might now have been satisfied, as they had obtained all that they demanded; but other views and aims had entered into their minds, and they desired to give their principles a wider range of application, therefore when the opportunity for this presented itself, it was natural for them to embrace it. While England was entering on the struggle of civil war—the Parliamentary party and the King's party each preparing for the contest—it was impossible for the Scots to remain passive observers of the momentous conflict.[39]

[38] *Acts Parl. Scot.*, Vol. V., pp. 338-660.

[39] Carlyle, in his *Letters and Speeches of Cromwell*, gives a vivid sketch of the proceedings of the King at this time. "January 10, 1642, the King and his court quit Whitehall, the five members and parliament proposing to return tomorrow, with the whole city in arms round them. He left Whitehall; never saw it again till he came to lay down his head there.

"On the 9th of March, 1642, he is at York, where his Hull Magazine, gathered for service against the Scots, is lying near; where a great Earl of Newcastle and other northern potentates will help him; where at least London and its parliament, now grown so fierce, is far off.

"There we will leave him, attending Hull Magazine in vain; exchanging messages with his parliament, messages, missives, printed and written papers without limit. Law-pleadings of both parties before the great tribunal of the English nation, each party striving to prove itself right, and within the verge of Law; preserved still in acres of typography, once thrilling alive in every fibre of them; now a mere torpor, readable by few creatures, not rememberable by any. It is too clear his Majesty will have to get himself an army, by commissions of array, by subscriptions of loyal plate, pawning of crown jewels, or how he can. The parliament by all methods is endeavouring to do the like. London subscribed horses and plate, every kind of plate, even to women's thimbles, to an unheard of amount; and when it came to actual enlisting, in London alone there were four thousand enlisted in one day. The reader may meditate that one fact. Royal messages, parliamentary messages, acres of typography thrilling alive in every fibre of them—these go on slowly abating, and military preparations go on steadily increasing till the 23rd of October next. The King's commissions of array for Leicestershire came out on the 12th of June, commissions for other counties followed at convenient intervals; the parliament's ordinance for the militia, rising cautiously pulse after pulse towards clear emergence, had attained completion the week before. The question puts

The General Assembly met at St. Andrews on the 27th of July, 1642, the Earl of Dunfermline presenting himself as royal Commissioner. Another power requested the friendship of the Assembly, the English Parliament having addressed a message to it, touching their quarrel with the King. Success had rapidly enlarged the scheme of the Scotch Presbyterians; as flattering opportunities appeared to be opening before their view, they began to assume an aggressive attitude, and to entertain hopes of establishing their polity throughout England. A powerful party in England was intently bent on overthrowing Episcopacy, and the Parliamentary leaders easily secured the assistance of the Covenanters. In the Assembly's answer to the English Parliament, the question was stated at length; by a union of the Churches of the two kingdoms, they might hope for a time when war and heresy should cease in the Island, and truth and peace reign supreme. The Assembly appointed a large committee, including a number of the nobles and the most distinguished ministers, with power to forward the work which the Church had undertaken, to consult with the King, and with the Parliament, and if necessary, to prepare a confession, a catechism, a directory, and a form of polity. This commission was renewed in subsequent Assemblies. At the same time, the Assembly despatched an address to the King, professing their loyalty, but urging unity in religion, and uniformity in Church government.[40]

The letters of the Assembly were quickly answered, both by the King and by the Parliamentary party. The latter announced the agreement of their views with those of the Scots. They desired to see unity of religion throughout his Majesty's dominions; they stated that Episcopacy was wrong in itself, and ought to be abolished; they intimated their intention of calling an Assembly of learned divines to deliberate on the subject, and invited some of the Scottish ministers to London to assist at this Assembly on the 5th of November, 1642. This was exceedingly satisfactory to the Covenanters. Shortly after, the English Parliament passed an act abolishing Episcopacy; but, when Parliament overthrew one form of Church

itself to every English soul, which of these will you obey?—and in all questions of English ground, with swords getting out of their scabbards, and yet the constable's baton still struggling to rule supreme, there is a most confused solution of it going on."—Vol. I., pp. 163-164.

[40] Peterkin's *Records;* Baillie's *Letters and Journals,* Vol. II., pp. 50-55.

polity, it did not establish another in England [41]—a result which the Covenanters failed to foresee. Their sympathies went with the Puritans and the Parliamentary party; but, knowing as they did the feeling of the King, they naturally distrusted him. Thus they became closely associated with the leaders of the Long Parliament. There was still, however, a small party in Scotland who remained loyal to the King.

The swell of feeling among the Scots, joined with their deepest religious sentiments and convictions, rose higher and higher; and it was resolved to hold a convention of the Estates. The King at first refused his consent; but the Estates met at Edinburgh on the 22nd of June, 1643, and Charles then agreed to sanction it, if it would keep within prescribed limits. The convention, however, declared itself free to do anything which it thought fit. This meeting was attended by a larger number of members than usually assembled in a Scotch Parliament; and the people were prepared for it by a solemn fast. A remonstrance was read from the Commission of the General Assembly, stating the dangers to which religion and the kingdom were exposed, and urging that the nation should put itself in a position of defence, and that they should look upon the cause of their brethren in England as their own, and assist the English Parliament. This proposal was well received; but the King's party attempted to advance his interest. There followed a hot and long debate on the question, as to whether the Scots should actively intermeddle in the affairs of England.[42]

The General Assembly met at Edinburgh on the 2nd of August, 1643, and Sir Thomas Hope, the Lord-Advocate, appeared as the royal Commissioner. On the opening day the members of the Assembly prepared themselves for their task by fasting. On the 7th of August, four Commissioners from the Long Parliament, one of whom was Sir Henry Vane, landed at Leith, and a few days after they were introduced to the Assembly. They stated in the Assembly that they warmly appreciated the energy of the Scottish Church in extinguishing popery; that they were anxious to have this reform

[41] Peterkin's *Records;* Baillie's *Letters and Journals*, Vol. II., p. 55.

[42] Baillie's *Letters and Journals*, Vol. II., pp. 75-80. This minister says—"At the day, June 22nd, was a most frequent meeting of Estates, never a parliament so great; all the barons and burghs were for the Commonweal"—that is, for assisting the English parliament. *Acts Parl. Scot.*, Vol. VI., pp. 3-4, 6, 8, 9, 13-15, 24, 36-38, *et seq.*

completed among themselves; that they had already removed the High Commission, expelled the bishops from the House of Lords, abolished Episcopacy, and summoned an Assembly of divines, which had now met at Westminster. They therefore earnestly entreated the Scots to assist their brethren in England, then so hardly pressed by the King's forces, and exposed to the utmost peril. The proposals of the English were much discussed in committee; but there were differences of opinion in the Assembly. Some of the members thought that they should mediate between the King and the parliament, without committing themselves; but the opposite arguments of Johnston of Warriston and others at last prevailed, and they agreed to cast in their lot with the leaders of the Long Parliament. More debate took place concerning the tenor of the agreement. The English commissioners proposed that a civil league between the two nations should be formed, but the Scots would listen to nothing save a religious covenant. The English then suggested that toleration should be given to the Independents, as far as England was concerned; but the Assembly would not agree to tolerate anything, except presbyterianism in both kingdoms. After a long debate, the document known as the "Solemn League and Covenant" was laid before the Assembly, and unanimously accepted. The Estates also sanctioned it in August, 1643. All the parties to this Covenant bound themselves to preserve the reformed religion in Scotland, and to labour for the reformation of religion in the kingdoms of England and of Ireland, in doctrine, in worship, in discipline, and in polity, according to the word of God and the example of the best reformed Churches; to struggle to bring the Churches of God in the three kingdoms to the closest uniformity in religion, faith, polity, and form of worship; and without respect of persons, to endeavour to extinguish popery, episcopacy, heresy, schism, profaneness, and everything opposed to sound doctrine and the power of godliness; and with equal constancy to endeavour to preserve the rights and privileges of the parliaments and the liberties of the kingdoms, and to preserve and defend the King's person and authority, that it may be manifest to the world that they had no intention of diminishing his Majesty's just power and greatness. With the same faithfulness they promised to pursue and bring to condign punishment all incendiaries and malignants who hindered the reformation of religion, divided the King from his people, or one of the kingdoms from the

other, or formed factions among the people to defeat the ends of this League and Covenant.[43]

The Solemn League and Covenant was carried to London, the 22nd of September, 1643, being appointed for signing it. On that day the members of the House of Commons, the House of Lords, and the Westminster Assembly of divines signed the League and Covenant; and it was afterwards subscribed by many in every county of England. "The House of Commons and the Assembly of divines take the Covenant, the old Scotch Covenant, slightly modified now into a Solemn League and Covenant, in St. Margaret's Church, Westminster. They lifted up their hands *seriatim*, and then stept into the chancel to sign. Oliver Cromwell signs, and next after him young Sir Henry Vane. There signed in all about 220 honourable members that day. The whole parliamentary party, down to the lowest constable or drummer in their pay, generally signed. It was the condition of assistance from the Scots, who were now calling out all fencible men from sixteen to sixty, for a third expedition into England. A very solemn covenant, a vow of all the people, of the awfulness of which we in these days of Custom-house oaths, loose regardless talk, cannot form the smallest notion. Duke Hamilton, seeing his painful Scotch diplomacy end all in this way, flies to the King at Oxford,—is there put under arrest, sent to Pendennis Castle near the Land's End." The immediate result of this League was that a Scottish army of twenty thousand men crossed the Tweed, to assist the Parliamentary army, and to seek conformity of religion amid the scenes of civil war.[44]

The theocratic ideas which I noticed in the second volume, had now attained their greatest influence; the government of Scotland had become a sort of theocracy. The power of the King was gone; the power of the Estates was partly in abeyance; the General Assembly being the ruling body. The ministers and elders constantly asserted that they derived their authority from Jesus, the King and the Head of His Church. Every act assumed a religious character; the war was religious, which was proved by the fact that in the Old Testament the wars of God's people were called the wars of the Lord; and the hand of the Lord of Hosts was on the side of

[43] Peterkin's *Records;* Baillie's *Letters and Journals*, Vol. II., pp. 88-90, 95; *Acts Parl. Scot.*, Vol. VI., pp. 41-43.

[44] Baillie's *Letters and Journals*, Vol. II., pp. 99, 102; Carlyle's *Letters and Speeches of Cromwell*, Vol. I., p. 189.

the Covenanters. These ideas were associated with the old Jewish exclusiveness and intolerance ; and the Covenanters were apt to regard themselves as the chosen people, and their own Church as the only true one : to be a good Christian, it was necessary to be a Covenanter. Romanism and Episcopacy were equally hateful to them ; and being firm and settled in their own convictions and opinions, they gave no countenance to toleration.[45]

Seven Scotsmen attended the Assembly of divines at Westminster as Commissioners from the Church of Scotland, viz. :—Henderson, Baillie, Rutherford, and Gillespie, ministers ; and Lord Maitland, Johnston of Warriston, and Lord Cassillis. It has to be observed, that the Assembly of divines, as constituted by the English Parliament, had no authority in Scotland. The Scotch Commissioners declined to sit in the Assembly as voting members ; they preferred to take the position of representatives of the Church of Scotland, and in London there was a committee from the Scotch Estates to instruct and support them. As representing Scotland, they might propose any point to the Assembly ; but their nation could not be compromised by the conclusions of the Assembly. During their attendance at the Assembly, the Scots acted with vigour and wisdom.

Baillie's account of their introduction to the Assembly, and of their proceedings in it, is interesting. " On Monday morning, the 20th of December, 1643, we sent to both Houses of Parliament for a warrant for our sitting in the Assembly. This was readily granted, and by Mr. Henderson presented to the Prolocutor, who sent out three of their ministers to convey us to the Assembly. Here no mortal man may enter to see or hear, let be to sit, without a written order from both Houses of Parliament. When we were brought in, Dr. Twisse made a long harangue for our welcome, after so long and hazardous a voyage by sea and land in so unseasonable a time of the year. When he ended, we sat down in those places which we have since kept. . . . We sit commonly from nine in the morning to one or two in the afternoon. . . . Ordinarily there were present about three score of the divines. These are divided into three committees ; in one whereof every man is a member. No man is excluded who pleases to come to any of the three. Every committee, as the Parliament gives order in write to take any purpose into consideration, takes a portion, and in the afternoon meeting prepares matters for the Assembly, sets down their minds in distinct propositions, and

[45] Peterkin's *Records ; Acts Parl. Scot.*, Vol. VI., pp. 66-68, 70, *et seq.*

backs their propositions with texts of Scripture. . . . No man is called upon to speak, but who stands up of his own accord, and speaks as long as he pleases without interruption. . . . They follow the forms of their Parliament.

"When our commissioners came up, they were desired to sit as members of the Assembly; but they wisely declined to do so, since they came up as Commissioners for our National Church to treat for uniformity, they required to be dealt with in that capacity. They were willing as private men to sit in the Assembly, and upon occasion to give their advice on debated points; but, for the uniformity, they required that a committee might be appointed from the Parliament and the Assembly to treat with them on this subject. All this, after some sharp enough debates, was granted." In regard to the office of ruling elders—laymen, "many a very brave dispute have we had upon them these ten days. I marvel at the great learning, quickness, and eloquence, together with the great courtesy and discretion in speaking, of these divines. . . . This is a point of high consequence, and upon no other we expect so great difficulty, except alone on Independency; wherewith we purpose not to meddle in haste till it please God to advance our army, which we expect will much assist our arguments.

"It was my advice, which Mr. Henderson presently applauded and gave me thanks for it—to eschew a public rupture with the Independents till we were more able for them. As yet a presbytery to these people is conceived to be a strange monster. It was for our good, therefore, to go on hand and hand so far as we did agree against the common enemy, hoping that in our differences, when we behoved to come to them, God would give us light. In the meantime we would essay to agree upon the Directory of Worship, wherein we expected no small help from these men to abolish the great idol of England—the Service book—and to erect in all the parts of worship a full conformity to Scotland in all things worthy to be spoken of."[46]

The great difficulty was Church government. The Assembly of divines proposed the presbyterian scheme; but the Long Parliament adopted it only on the condition of its subordination to Parliament. The Independents though few in number were powerful in Parliament; owing to their strength of will, their intellect, and their energy of character, they wielded much influence both in the army

[46] *Letters and Journals*, Vol. II., pp. 107-110, 111, 117.

and in the senate. The politicians of the Long Parliament, though they had abolished Episcopacy, were unwilling to give independent power to any form of Church organisation. The Scots Covenanters then began to see that there was little hope of establishing their polity over the British dominions. When the Westminster Assembly closed in 1648 its great scheme of Church government practically ended with it.

This Assembly was constituted by an ordinance of the Long Parliament, on the 12th of June, 1643; Parliament named the members, and when difficulties and disputes arose, they were to be referred to Parliament. The Assembly sat long, and executed much laborious work; the general drift of which, when completed, was decidedly Calvinistic. They framed "A Form of Church Government," "A Directory for Public Worship," "A Confession of Faith," and two Catechisms. The Directory was brought to Scotland by Baillie and Gillespie, and the General Assembly, in 1645, sanctioned it, enjoining it to be observed by all the ministers of the kingdom. The Westminster Confession of Faith was adopted by the General Assembly in 1647, and in the following year the Assembly sanctioned the Larger and Shorter Catechisms. The Scotch Parliament ratified this Confession and the acts of the General Assembly.[47]

But it should be mentioned that this Confession and the Catechisms were not sent into Scotland for observance by any command of the Assembly of divines, or by any authority in England; the Church of Scotland examined and approved them of her own accord. The body of doctrine contained in this Confession, and abridged in the Longer and the Shorter Catechisms, has long been the Creed of the Church of Scotland; and has largely influenced the opinions and the character of the people.

While the Covenanters' army was in England assisting the English

[47] *Abridgements of the Acts of the General Assembly*, 138, 345; *Acts Parl. Scot.*, Vol. VI., p. 364, in the year 1649. No mention is made in the Act of the Assembly "of the old Confession of 1560. It may be supposed that the Assembly held both their old Confession and their new to be true, and therefore consistent with each other; but this is not stated. Whether in any sense they held the old Confession to be still binding is a more difficult matter. As the new one is to be a Confession for the three kingdoms, it may be argued that the old Scottish Confession might still continue as a municipal or domestic authority; but as the change is founded on the obligation to uniformity in religion, the presumption seems rather in favour of the exclusive authority of the new Creed." —Innes' *Law of Creeds in Scot.*, p. 63.

Parliamentary party, the government of Scotland was managed by a committee of the Estates and the commission of the General Assembly. Some of the nobles and others formed a Royalist party. The Earl of Montrose who had been for some years an ardent Covenanter, now turned round to the King's side; and was commissioned by his Majesty to raise the royal standard in Perthshire, in August, 1644. He was soon at the head of three thousand men, many of whom were Irish Roman Catholics. His short career and exploits have often been detailed at length, and can only be concisely handled here; besides, his temporary victories over undisciplined bodies of men merely added to the suffering of the war, and had little influence on the main stream of history.

Montrose's force consisted of one thousand five hundred men, Irish and Scots, who sailed from Ireland under Alaster Macdonald, and landed in Ardnamurchan early in July 1644, and a number of Highlanders who rose at the call of Montrose to fight for the King. Montrose concentrated his men at Blair Athole. There were three bodies of armed men in the field against him. Argyle was advancing from the west, another army was stationed at Aberdeen, and a third, under Lord Elcho, consisting of the men of Fife and the lower parts of Perthshire, to keep him in check if he attempted to advance along the valley of the Tay. Lord Elcho had about six thousand men, including seven hundred horse and some artillery, and they were drawn up in the valley three miles west of Perth to oppose the advance of Montrose. They were accompanied by Covenanting preachers, who endeavoured to stir up their enthusiasm. Montrose had three thousand men, and he knew well how to use them to the best advantage. He drew up his men three deep and extended his line to the utmost, and presented a front as long as the enemy's. On the afternoon of September 1st, 1644, he attacked the Covenanters under Lord Elcho, and the first onset of the Highlanders threw them into confusion, and in an instant Elcho's army was routed and flying in all directions. Two thousand of the Covenanters were slain in the pursuit. In the evening Montrose was master of Perth.

On the 4th, Montrose commenced his march for Aberdeen. In his progress northward, the Earl of Airlie and some of the gentry of Angus joined his standard, and added to his force a small party of horsemen. The Marquis of Huntly could not make up his mind to follow Montrose, while two of his sons, Lord Gordon, the eldest, and Lord Lewis, the youngest, were in the Covenanting army

through the influence of their mother's brother—Argyle. The Covenanting force of two thousand foot and five hundred horse were posted on the side of a height in advance of the city. On the morning of the 13th of September, Montrose reached the vicinity of Aberdeen, on the west side of the town. He summoned the magistrates to surrender the town, but they declined. He then prepared for battle, and placed his horse on the wings of his line. Montrose began the attack, and after a severe engagement, the Covenanters were completely defeated and fled in confusion. Montrose's army entered the town, massacred the unarmed citizens on the streets, and sacked the city. This proceeding greatly heightened the hatred of the Lowland people against Montrose.

He appealed to the Gordons for assistance, but they refused to move, and he was forced to betake himself to the hills as Argyle was in pursuit of him. Montrose marched westward to Rothiemurchus, and there buried the cannon which he had taken at Aberdeen, and thence he winded his way back to Blair Athole. But Argyle was advancing behind him, so Montrose moved eastward, and then turned westward, crossed the Dee and Don, and took up a position at Fyvie Castle. Argyle thought that he had at last an opportunity of crushing his enemy. The Castle was then surrounded on the north, the west, and the south by bogs, through which only a narrow strip of ground allowed approach to an enemy ; so Argyle made his attack on the eastern side, where there were no obstacles. Montrose posted his men on a hilly ridge, and when Argyle's men advanced to the attack, they were warmly received, and after a severe contest were driven back. This gave Montrose an opportunity of retiring, Argyle following him to Blair Athole, and back again from west to east, but he failed to overtake his foe. Argyle then returned to Edinburgh and delivered up his commission to the Committee of Estates.

The Macdonalds and other clansmen advised Montrose to make a raid into the territories of Argyle, and plunder his valleys round Inveraray. On the 13th of December, 1644, Montrose entered the district of Argyle and proceeded to waste it. Cattle and sheep were destroyed, and homesteads burnt to the ground ; no quarter was given, and every man of the name of Campbell who fell into their hands was ruthlessly slain. Leaving a desert behind him, he marched slowly through the valley of the great lakes. When he reached Loch Ness he ascertained that his progress was barred by the Earl

of Seaforth, at the head of five thousand men, mustered from the northern counties. Montrose had Seaforth's army before him, while Argyle had summoned two Lowland regiments to his assistance, and with these and the remnant of his own clansmen who had escaped, he took up his position with three thousand men at Inverlochy. Thus it appeared that Montrose was at last caught in a trap—an army in front of him and another in his rear. He had only about one thousand five hundred men around him, yet he at once resolved to attack Argyle. In order to prevent the Campbells from retreating, he turned to the left, and advanced through the rugged pass of Corryarrick. On the night of the 1st of February, 1645, by the bright light of the moon, Montrose saw the Campbells in front of him, between the mountain and the shore.

On the morning of the 2nd February, Argyle had no alternative but fight, as his enemy was too near for retreat. Argyle had dislocated his shoulder by a fall from his horse, and he was easily persuaded to take refuge in a vessel lying in the loch, while he gave the command of his army to Sir Duncan Campbell of Auchinbreck, an experienced soldier. Montrose had a small company of horsemen, and at the moment when he began the attack, he ordered the trumpeter to sound the cavalry charge, which carried dismay into the enemy's ranks. He then led his whole force against Argyle's centre. For a short time the Campbells fought bravely; but at last they wavered, broke, and fled in utter confusion. To the Lowland men quarter was given, but to the Campbells no quarter, and about one thousand five hundred of them were slain under the eyes of Argyle. For some time the Campbells ceased to be a power in the western Highlands. Montrose was greatly elated by the victory, and imagined that he would soon subdue the whole kingdom.

Shortly after the battle, Montrose marched in pursuit of Seaforth, who had blocked his way at the north-eastern end of the lakes, but Seaforth fled. Montrose marched round, and when he reached Elgin Lord Gordon and Lewis Gordon, Huntly's sons, joined him, and their followers supplied him with a small body of cavalry. Seaforth and Sir James Grant joined Montrose at Elgin, and thus saved their estates from plunder: but the lands and farmhouses of the Covenanters from Inverness to Kintore were ruthlessly plundered and destroyed. On the 11th of February the Scotch Parliament declared Montroseand his chief supporters to be guilty of treason. He then marched southward, and when he reached Forfarshire, he

found his advance checked by Baillie and Hurry. Much time was spent in manœuvring. At last Baillie marched away and entered Fife. Instead of following him Montrose proceeded to Dunkeld, where his army rapidly melted away, many of the Highlanders returning home. In a short time he was left with only six hundred foot and two hundred horse. On the 3rd of April he commenced to march on Dundee, and on the 4th he forced an entrance into the town, and the sack was immediately begun. In the midst of the tumult, tidings came that Baillie and Hurry with their whole force were rapidly advancing to the relief of the town. To fight them was impossible; but Montrose drew off his men from the prey on which they were intent, and marched out of the eastern gate as Baillie was entering the western one. Forming his one hundred and fifty horsemen as a rearguard, he placed two hundred of his best men in the last ranks of the foot, to face about and support the horsemen in case of an attack. Baillie followed close on Montrose, and before nightfall he made a charge which was repelled, but he resolved to out-general his enemy. While Montrose and his small party were running onward in the dark towards Arbroath, Baillie was rapidly advancing to the left of their line of march, with the intention of cutting them off from the hills to the north-east, in order to hold them against the sea when they reached Arbroath. After a short time, however, Montrose wheeled to the right and slipped past Baillie. At last Baillie discovered his enemy's tactic, and started in pursuit on the right track. He came in sight of the enemy separated about three miles from the shelter of the hills. Montrose's men were tired out and had fallen asleep on the ground; but when Baillie's cavalry approached, the officers managed to rouse a sufficient number to present a front to the enemy, compelling the hostile horsemen to withdraw and enabling his small party to escape to the hills.

For some time Montrose wandered about Perthshire with very few followers, and had again to begin the work of collecting a force. On the 20th of April, 1645, Aboyne joined him at Balquhidder. Baillie was watching the Highlands from Perth, and Hurry had gone north to muster the adherents of the Covenant for an attack upon the Gordons. Montrose moved northward and Macdonald rejoined him on the march, and in the upper stretch of the valley of the Dee he met Lord Gordon at the head of a company of horsemen. He was again between the two hostile armies, and to save the lands of the Gordons from plunder, he resolved to attack Hurry. Montrose ad-

vanced toward the upper region of the valley of the Spey ; but when Hurry ascertained that his enemy was descending the valley of the Spey, he formed his plan. With the aim of drawing Montrose into a hostile quarter, Hurry marched from Inverness to meet him near Elgin, and upon his approach, retreated so skilfully that Montrose was unable to injure him. On the night of the 8th of May, Montrose had reached the village of Auldearn, intending to follow Hurry the following morning ; but ere dawn on the morning of the 9th, Hurry had fronted round, and intended by a rapid march to surprise Montrose ; and, if an untoward incident had not occurred, it seems probable that he would have effected his object ; but the night was rainy and wetted the powder in the muskets of Hurry's soldiers, some of whom fired a volley to clear the barrels. It so happened that Macdonald's sentinels heard the sound, and thus Montrose had time to post his army in battle array, which he did admirably. The battle was severe, and was long and fiercely contested ; the greater part of Hurry's infantry stood their ground and were slain on the field.

Yet this battle was not decisive, for Montrose had soon to contend against forces more numerous than his own. Baillie advanced from Athole northward, crossed the Dee with two thousand men, and was joined in Strathbogie by Hurry with a hundred horsemen, the remnant of the army defeated at Auldearn. Montrose's force was greatly diminished, and being unable to fight, he advanced up the valley of the Spey for safety. Baillie remained in the north to ravage Huntly's lands. After a time Montrose had again increased his force, and marching in search of Baillie, he found him in a strong position at Keith. He did not venture to attack him, but marched southward, crossed the Don, and halted at Alford, Baillie following him. On the 2nd of July Montrose placed his men in battle array on an elevated position. Baillie crossed the river and prepared for battle. The engagement began and raged furiously with no apparent success on either side ; but at last Montrose was victorious and no quarter was given to the vanquished Covenanters. For some time after the battle Montrose made little progress with his scheme of conquering the kingdom for Charles I., as he had only reached Fordoun on his way southward in the middle of July. The Parliament was transferred to Perth on the 24th of July to attend to the arrival of the new levies of men for the army ; and Montrose crossed the Tay with the object of annoying them as much as pos-

sible. He manœuvred round Perth for some time, and retired without effecting anything of importance.

On the 24th of August the battle of Kilsyth was fought, in which Montrose completely defeated the Covenanters under Baillie and the nobles. Upwards of five thousand of the Covenanters were slain in the battle and pursuit. This was Montrose's last victory, and henceforth his real difficulties and the utter futility of his career became painfully apparent. His vision of a great army of the Lowland Scots, weary of the tyranny of Parliament and the Church, rallying under the standard of the King's Lieutenant, vanished like a dream. He had disappointed the expectations of his actual followers, and they mourned and returned to their homes. All his fond hopes were soon to be blasted. His weakness was that he utterly failed to understand the real problem of his day, and the spirit and feeling of the great majority of his countrymen.

David Leslie on the 6th of September crossed the Border, from England to join issue with Montrose. He encountered the great hero of six victories at Philiphaugh on the morning of the 13th of September 1645, and completely routed him and his army. After his defeat Montrose lingered about the Highlands; and in May 1646, Charles I. ordered him to disband his followers, and go into France. On the 3rd of September he escaped from Scotland and proceeded thither.

Since the battle of Marston Moor, on the 2nd of July, 1644, in which the Covenanting army took an active part, under David Leslie, the King's cause had been falling lower and lower; and by the end of the year 1645 he was hardly able to keep the field. At last, driven to despair, he fled to the Scottish army at Newark, in May, 1646. To conquer the King had been an extremely difficult task; but to make a treaty with him afterwards proved to be an impossible operation. He was received by the Scots with every mark of respect, but he soon found that his kingly powers were gone. The English parliament demanded that the Scots should surrender the King, but they declined to do this. They were still eager to extend Presbyterianism to England, and directly attempted to work upon the King. He was asked both by the Scots and by the English Presbyterians to abolish Episcopacy, to ratify the proceedings of the Westminster Assembly of Divines, to sign the Covenant himself, to compel others to sign it, and to establish a Church in harmony with its principles. Charles on his conscience declined to do this, as he

had a firm conviction of the divine right of Episcopacy. The Episcopal party in England was crushed, and the struggle for supremacy now lay between the Independents and the Presbyterians. The latter party were anxious to come to terms with the King; and if he had agreed to their conditions, he might still have had a chance of saving his crown and life, and of reigning as the head of a limited monarchy. Commissioners from the Long Parliament, and from the Scotch Estates implored the King to yield, but in vain. Charles pleaded that his conscience would not allow him; and it may be admitted that this was a redeeming feature of the King's character. This attitude of the King proved favourable to the power of the Independents, as most of them desired the complete overthrow of the monarchy, and were strongly opposed to the establishment of Presbyterianism in England.[48]

While this tedious treating was still proceeding, the Long Parliament intimated that there was no longer any necessity for the Scotch army in England; while the Scots announced that they were ready to retire as soon as their arrears were paid. In the matter of pay, however, there was a serious difficulty, since between the amount claimed by the Scots, and the amount which the English admitted as due, there was a difference of many hundred thousands of pounds. The difference between the two accounts in a large degree related to provisions, which the English charged in full, but the greater part of which the Scots asserted never came to them, having been taken by the enemy at sea, part of it lost, and part damaged. The English charged in full a levy of twenty thousand pounds per month, which the Scots averred never yielded half that sum; the English charged ammunition and arms furnished, which the Scots contended should have been supplied at the expense of the English, as they were used in their service, and so on with other items in the accounts. The sum claimed by the Scots was nearly two million pounds, of which they acknowledged the receipt of seven hundred thousand, but which by the English mode of accounting, as indicated above, was made out to be fourteen hundred thousand—thus leaving seven hundred thousand of a difference between the sum claimed by the Scots and the sum admitted as due by the Long Parliament. Accordingly at this time the arrears due to the Scots,

[48] Burnet's *Memoirs of the Duke of Hamilton*, pp. 274-283; Baillie's *Letters and Journals*, Vol. II., pp. 400, 406-417,

according to their reckoning, amounted to more than a million. A long wrangle between the parties ensued; and every item in the account was minutely examined and hotly debated, till at last the Scots offered to accept a gross sum of five hundred thousand pounds. On this there was a vehement debate in the Long Parliament. Finally, the English agreed to pay a sum of four hundred thousand pounds—one fourth of it before the Scots left Newcastle, and the remainder by instalments. If this transaction had been a collusive bargain for the purchase of the King, as Mr. Buckle and other writers have asserted, there surely would not have been so much minute examination of the accounts, so much debating in order to reduce the Scotch side of the account: but seriously to say that the Scots sold their King for this money is an absurdity only of those who have never really investigated the matter.

The Long Parliament claimed a right to the possession of the King's person, and passed a resolution that it would dispose of him as it thought fit. The Scots demurred to this, but the English determinedly insisted that they must have the King. At last the Scotch Estates agreed to let the King go to Holmby, in Northamptonshire, "there to remain until he give satisfaction to both kingdoms in the propositions of peace; but in the interim, that there be no harm, prejudice, injury, nor violence done to his person." On the 23rd of January, 1647, the English Commissioners appointed to receive the King arrived at Newcastle; and on the 30th of the month the Scotch army withdrew, and proceeded to their own country.[49]

The Presbyterians were bitterly opposed to the policy of the Independents, who were waxing almost supreme in England. Towards the end of the year 1647, the Scots sent commissioners to make a last attempt to treat with the King, then a captive in the Isle of Wight. He now promised to be the Covenanted King of a Presbyterian people, and entered into a treaty with the Scots; but it came too late, and was regarded as an act of treachery to the Long Parliament and the English army, with whom he was at the time openly treating. This underhand treaty with the Scots is known in history as "the Engagement."

The Estates met at Edinburgh in March, 1648, agreed to the Engagement, and commissioned an army to aid the King. But the

[49] *Acts Parl. Scot.*, Vol. VI., pp. 239-241.

commission of the General Assembly was opposed to this, and proclaimed that the King's concessions were incomplete. They demanded that he should take the Covenant himself, and at once establish Presbyterianism in England. The time for half-measures was past, and they insisted that their whole polity should be established throughout the three kingdoms. Parliament, however, ordered the army to muster, and to fight for the King, while the Duke of Hamilton was placed in command.[50]

When the General Assembly met at Edinburgh in July, 1648, the members manifested a spirit of opposition to the resolution of the Estates. The committee on public affairs, consisting of the leading men of the Assembly, took up the question of the Engagement, and approved of all the proceedings of the commission concerning it. In reply to a letter from the committee of the Estates, the clergy again declared that they saw no possibility of securing religion so long as the Engagement was maintained; since a union of the Malignants against the Independents was an unlawful combination, for both were enemies to the cause of the Covenant, and therefore all association with them should be avoided. They reiterated the demand, that before the King was restored to the exercise of his power, he should be bound by a solemn oath, under his hand and seal, for settling religion according to the Covenant; that there should be no engagement without a solemn oath; and that the Church ought to have the same interest in it as she had in the League and Covenant. They insisted that the control of public affairs should be entrusted only to persons of unquestioned integrity. Finally, on the day the Assembly rose, the 12th of August, they addressed a supplication to the King, in which his Majesty was told that he had already caused the blood of many thousands to be shed by his obstinacy, and warned him no longer to set at nought the word of exhortation, or to incur the wrath of the Lord of Hosts, who brings down the mighty from their throne, and scatters the proud in the imagination of their hearts.[51]

While the nation was in this divided state, the army of the Engagers, undisciplined and poorly equipped, entered England with the grand aim of delivering the captive King from the power of sec-

[50] *Acts Parl. Scot.*, pp. 295-318, *et seq.*; Baillie's *Letters and Journals*, Vol. III., pp. 33-40, 44-50.

[51] Peterkin's *Records*; Baillie's *Letters and Journals*, Vol. III., pp. 52-65.

taries. But the Duke of Hamilton was not a military genius ; and his army straggled forward in several divisions, at too long distances from each other. Cromwell attacked him at Preston, on the 17th of August, 1648, and defeated the Scots in detail, finally scattering them. Hamilton himself was taken prisoner, and shortly after he was tried and executed.[52]

When tidings of the defeat of the Engagers reached Scotland, Argyle, Cassillis, and Eglinton assembled their adherents, and the clergy joined them and called the people to arms. Some of the ministers, at the head of their followers, marched towards Edinburgh, preaching and praying by the way to excited crowds of Covenanters. The Committee of Estates, who had supported the Engagement, after some attempts at resistance, gave up the struggle ; and Argyle with other nobles, assumed the government. Cromwell had advanced to the vicinity of Berwick, when Argyle and his party came to terms with him, and invited him to Edinburgh. He arrived in the capital on the 4th of October, 1648, and was received with much respect. His object was the suppression of all those concerned in the Engagement, and in this the party at the head of affairs in Scotland concurred with him ; and then Cromwell renewed the Covenant along with his new allies. The leader of the English army was delighted with his reception ; and in a letter to the House of Commons, he says :—"I have received, and so have the officers with me, many honours and civilities, from the city of Edinburgh, from the Committee of Estates, and the ministers; with a noble entertainment, —which we may not own as done to us, but as done to your servants." [53]

The Estates met on the 4th of January, 1649. The members were mostly those who had been opposed to the Engagement, and those who had since renounced it, the Earl of Loudon being chosen president for the session. They resolved to begin the session by publicly humbling themselves before the Lord for their sins, and to renew the Solemn League and Covenant, according to the order set down by the commission of the General Assembly. All the Acts of Parliament sanctioning the late Engagement were repealed, and some of the officers of state were deprived of their posts. But their most sweeping statute was the "Act of Classes," for purging the judicatories and

[52] Carlyle's *Letters and Speeches of Cromwell*, Vol. I., pp. 330-351.
[53] *Ibid.*, Vol. I., pp. 379-382.

places of public trust, which applied to all persons in any way concerned with "the late unlawful Engagement," and to other persons guilty of certain sins, or who neglected family worship. Thus the parliament itself was purged, a number of ministers deposed, and all officials suspected of malignancy, turned out of their offices.[54]

The party at the head of affairs in Scotland, it seems pretty evident, did not fully realise or foresee that a power was arising to crush both them and their Church polity. At the moment when they were indulging the hope that their triumph was at hand, the committee of the English army was already taking steps to arraign the King.

The narrative of the trial of Charles I. belongs to English history, and has often been admirably told. The Scotch Estates, through their Commissioners at London, remonstrated against any injury to the King's person, and insisted that it was on this very condition that they had consented to part with him; but his fate was decreed. On the 30th of January, 1649, he was beheaded before his own palace of Whitehall. It was Charles's lot to be educated and trained in a one-sided and pernicious political belief. He seems to have been almost incapable of distinguishing between his moral and his political rights; and this led his comparatively narrow mind to assume and to maintain that his political position gave him an unquestionable right to dictate to his people the form of their worship. Moreover, he was placed in trying circumstances, and found himself face to face with great political and religious problems, which he failed to appreciate and to surmount.

The following opinion of a foreign historian on the fate of the King is worth quoting:—"It would have been easy for him to have saved his life, had he conceded to the Scots the exclusive domination of presbyterianism in England, or to the Independents the practical freedom of the army as they themselves desired. That he did not do so is his merit towards England. Had he given his word to dissolve the episcopal government of the Church, and to alienate its property for ever, it is impossible to see how it could ever have been restored. Had he granted such a position to the army as was asked in the four articles, the self-government of the corporation and of the Commons, and the later parliamentary government itself, would have become impossible. So far the resistance which he offered cannot be esti-

[54] *Acts Parl. Scot.*, Vol. VI., pp. 335, 341-346, 352-356.

mated highly enough. The overthrow of the constitution, which the Independents openly intended, made him fully conscious, perhaps not of their ultimate intention—the establishment of a republic, but certainly of his own position. So far there was certainly something of a martyr in him, if the man can be so called who values life less than the cause for which he is fighting, and in perishing himself saves it for the future."[55]

Viewed from a political and moral standpoint, the Covenanting struggle was a very important factor in Scottish civilisation. The sole aim of James VI. in his constant efforts to establish Episcopacy in Scotland, was to render religion completely subservient to the power of the State, and to compel every one to recognise and yield an abject submission to the absolute supremacy of the King in all things civil and religious. In short, this was the view of James VI., Charles I., Charles II., and James VII., they all claimed the power to impose on the people whatever form of religion they thought fit. Although the contest thus forced upon the Scottish people was at the outset ecclesiastical and religious, and even in this relation its influence in moulding the character of the Scots of the seventeenth century was very great; inasmuch that in those days religion was a real power, and the Covenanters were intensely earnest and firmly held their religious convictions; they were prepared to make any sacrifice for the tenets of their faith. Yet, as matters then stood, the religious problems could not be settled without raising many other collateral questions, some of them even more important than the original problem. Thus the controversy once raised soon assumed a very wide range. It compelled the combatants on both sides to have recourse to the original and natural rights of man, and the principles of justice, as a solid foundation for their claims. For this the Reformation and George Buchanan had prepared the way. By their constant appeals to conscience and to private judgment, the Reformers had taught men to reason and to think, instead of blindly and submissively bowing their heads to the unlimited claims of authority. The Scots learned and practised this lesson. In self-defence they took their stand upon first principles, and based their claims upon

[55] Ranke's *History of England*, Vol. II., p. 553.

In the latter part of the third volume of Dr. Masson's elaborate and valuable work, *The Life of Milton*, there is a full and complete account of the trial and the execution of Charles the First.

the inalienable rights of man. They boldly assailed and demolished the claims to arbitrary and absolute power advanced by the kings of the period. Thus it was that the ecclesiastical contest speedily developed into a political conflict, in which arguments were of more importance than arms, inasmuch as argument and conviction supplied the real motive power. As we have seen, and will see further in the sequel, in petitions and protestations, in speeches and sermons, and pamphlets, the Covenanters urged their claims, and clearly vindicated their proceedings at every stage of the conflict, not only by many texts of Scripture, but also by appeals to principles which are now recognised as political axioms. The people listened intently to all this, and read and discussed amongst themselves the merits of the various points of the controversy. Thus every intelligent man became a keen theologian and a politician, ready to argue with all comers any point, either of divinity or of public policy, or the limits of the power of kings. For a century the people had been battling for their rights; while they were also being well trained in political and moral principles. The lesson was well taught and retained in the internal consciousness, for the impression stamped upon the national mind during the Covenanting struggle has continued as a political characteristic of Scotsmen to the present day. This was the chief contribution of the seventeenth century to the civilisation of Scotland. The historian, however, in stating this, may not justify all the proceedings and actions of the Covenanters, for it is clear that they often erred in the application of their principles to practice; still they contributed much to the political and moral progress of the people.

CHAPTER XXVI.

Charles II. The Kingdom under Cromwell.

PARLIAMENT was sitting when the intelligence of the King's execution reached Scotland, and on the 5th of February, 1649, his eldest son was proclaimed King of Scotland, under the title of Charles II. The national sentiment of the Scots was decidedly in favour of monarchical government; their Covenants recognised it, and they had no idea of establishing a republic. They had no special objections to kingly authority, when it was exercised according to what they conceived to be the Word of God and the constitution of the Kingdom; while the English Independents and sectaries directly discarded both king and monarchy, which was only one among many points of difference between them and the Covenanters.

Two days after the proclamation of Charles II., the Estates emphatically expressed the sentiment and feeling of the nation, by passing an Act, which declared that, before this young prince or any of his successors should be admitted to the exercise of the kingly power, he should sign and swear the National Covenant, and the Solemn League and Covenant; that he should for himself and his successors, consent to the acts of parliament enjoining these Covenants, and fully establishing Presbyterianism, the Directory of Worship, the Confession of Faith, and the Catechisms; that he should observe these in his own family; and that he should never oppose or attempt to change any of them. Further, before being admitted to the exercise of his royal functions, he should dismiss and relinquish all counsel of those opposed to religion and to the Covenants; and give satisfaction to the Parliament of Scotland in whatever else should be found requisite for settling a lasting peace, preserving the union between the kingdoms, or for the good of the crown, and his own honour and happiness; and consent that all civil matters should be settled by the parliament of the kingdom, and ecclesiastical matters by the General Assembly. This parliament,

on the 9th of March, passed an act abolishing patronage, on the ground that it was unwarranted in Scripture, and merely introduced in times of ignorance and superstition; that it was an evil and a bondage, under which the Lord's people and ministers of Scotland had long groaned. Of this act Balfour says:—"The parliament passed a most strange act this month, abolishing the patronages of kirks, which pertained to laymen ever since Christianity was planted in Scotland. The Earl of Buccleuch and some others protested against this, as altogether derogatory to the just rights of the nobility and gentry of the kingdom of Scotland, and so departed out of the house. But it was carried. . . . Johnston and the Kirk's minions durst not do otherwise, lest the leaders of the Church should desert them, and leave them to stand on their own feet, which without the Church none of them could well do."[1]

On the 6th of March, 1649, the Estates commissioned the Earl of Cassillis and others to proceed to the young king in Holland, and offer him the Crown on the conditions indicated in the above paragraph. They were admitted to an interview with the prince on the 27th of March, and attempts were made to treat. They tried to persuade him to sign the Covenants, insisting that this would gain for him the support of the Scots and the whole Presbyterian party. Many papers passed between the King and the Scotch commissioners, but Charles declined to commit himself, and no definite conclusions were arrived at. The commissioners returned to Scotland, and reported their proceedings to the Estates on the 14th of June, which were all approved.[2]

By the orders of the Committee of Estates the Marquis of Huntly was captured in December, 1647, and imprisoned in Edinburgh. On the 16th of March, 1649, he was brought to trial for treason. Argyle his brother-in-law, was the leading man in the Government at the time. Yet Huntly was convicted, condemned, and on the 22nd of March, beheaded.

The General Assembly met at Edinburgh, on the 7th of July, 1146, and passed some remarkable acts. It was enacted that all who had been in any way concerned with the late Engage-

[1] *Acts Parl. Scot.*, Vol. VI., pp. 363-364, 411-413. *Annals of Scot.*, Vol. III., p. 391.

[2] *Acts Parl. Scot.*, Vol. VI., pp. 400, 451-459; Baillie's *Letters and Journals*, Vol. III., pp. 84-90, 508-521.

ment, should be deemed malignants, and must submit either to the discipline of the Church, or to excommunication, and that the army and the parliament should be thoroughly purged of such. For the instruction of the people the Assembly issued this statement:—"1. That as magistrates and their power are ordained of God, so are they, in the exercise thereof, not to walk according to their own will, but according to the law of equity and righteousness, as being the ministers of God, for the safety of His people. Therefore, a boundless and unlimited power is not to be acknowledged in any king or magistrate, neither is our king to be admitted to the exercise of his authority, as long as he refuses to walk in the administration of the same, according to this rule, and the established laws of the kingdom 2. That there is a mutual obligation and stipulation between the king and his people, for the performance of mutual and reciprocal duties. 3. That arbitrary government, and unlimited power, are the fountains of all corruption in the Church and in the State. 4. That it is no new thing for kingdoms to preserve themselves from ruin by putting restraint upon the exercise of the power and government of those who have refused to grant the things that were necessary for the good of religion, and the safety of the people."[3] This Assembly passed an act on the election of ministers, intended to carry out the act abolishing patronage. When a vacancy occurred, the kirk-session of the parish were to elect a minister, and if this person was accepted by the congregation, the presbytery were to proceed and try his qualifications, and if he was found to be properly qualified, then to admit him to his office. When a majority of the congregation dissented from the choice of the session, then the matter was to be brought before the presbytery, who were to judge of it; and if they found reasonable ground of dissent, they were to appoint a new election. If the dissent came from a mere minority of the congregation, it was not to be sustained, except on sufficient reasons shown to the presbytery. But, when the congregation were disaffected or malignant, the presbytery was to appoint a minister for them. There was a long debate on this act in the Assembly. Calderwood maintained that, according to the Second Book of Discipline, the election should belong to the presbytery, and that the people had only the right to dissent for reasons to be judged by the presbytery.

It appears that Montrose was urged by the young prince Charles

[3] Peterkin's *Records of the Church of Scotland.*

II., to again strike a blow for the cause of royalty. By his efforts and enthusiasm Montrose managed to assemble a band of Danes and Germans, and Scottish exiles, and early in the spring of 1650 sailed from the Elbe for the Orkneys. When he reached Orkney, it was reported that his force numbered seven hundred men, and fifteen hundred stand of arms. He remained for some time in the Orkneys, and endeavoured to increase his army by forced levies; but there was no enthusiasm for Charles II. amongst the Orcadians, and what Montrose gained in numbers, added nothing to his strength, as men forced into service under such circumstances, could not be relied upon. He landed in Caithness and raised the King's standard; but some of the inhabitants fled on his approach, and none of them joined his ranks. He issued a proclamation in his Majesty's name, and promised pardon to all who had been deluded by the ruling party in Scotland; still the people of the North declined to rally round him. A strong army under Leslie was sent against him. But only a small advance detachment under Colonel Strachan, came upon Montrose. The encounter took place at Invercharron on the northern skirt of Ross-shire. Montrose was defeated, and the greater part of his men slain and taken prisoners, but he escaped himself. He wandered in the country for several days, and suffered much from hunger and cold. He was captured by Macleod of Assynt, and conveyed to Edinburgh. His sentence had been before passed by Parliament, when he was condemned for treason, and was simply brought up to receive it. He was executed on 21st May, 1650, at Edinburgh. It is impossible not to feel for the hard fate of Montrose, although he was a renegade; still he had brilliant and admirable characteristics. He had striking abilities and resource as a military leader, and his mastery of tactics when the moment for action came, was supreme. But, as a politician or a statesman he was a mere cipher. He had enthusiasm; yet the genuineness of his moral convictions and his honour might be questioned. He showed no real capacity to appreciate the thought, the feeling, and the convictions of the great majority of his countrymen.

Early in the spring of 1650, treating with the King was resumed at Breda. The conditions were the same as before; but it was thought that circumstances were now more favourable, as all hope of assistance from Ireland had been blasted by the victories of Cromwell; and the youthful prince had begun to think of consenting to the proposals of the Covenanters. After some treating the King

agreed to the propositions of the Scots, then embarked for the home of his ancestors, and arrived at the mouth of the Spey on the 23rd of June. There he signed the Covenant, and having landed next day, he proceeded southwards. The Scots had now got a king, and as they had resolved that he should conform to their principles and their modes of life, there were every morning and evening lectures, from which the prince was never permitted to be absent.[4]

Burnet says :—"The King wrought himself into as grave a deportment as he could : he heard many prayers and sermons, some of great length. I remember on one fast day there were six sermons preached without intermission. I was there myself, and not a little weary of so tedious a service. The King was not allowed so much as a walk abroad on Sundays ; and if at any time there had been any gaiety at court, such as dancing or playing cards, he was severely reproved. This was managed with so much rigour and so little discretion, that it contributed not a little to beget in him an aversion to all sort of strictness in religion."[5]

Carlyle has some curious remarks on the Covenant. "The meaning of the Scotch Covenant was, that God's Divine Law of the Bible should be put in practice in these nations ; verily it, and not the four surplices at Allhallowtide, or any formula of cloth or sheepskin here or elsewhere which merely pretended to be it : but then the Covenant says expressly, there is to be a Stuart King in the business : we cannot do without our Stuart King. Given a Divine Law of the Bible on the one hand, and a Stuart King, Charles First or Charles Second, on the other : alas, did history ever present a more irreducible case of equations in this world ? I pity the poor Scotch pedant governors ; still more the poor Scotch people who had no other to follow. Nay, as for that, the people did get through in the end, such was their indomitable pious consistency, and other worth and fortune : and presbytery became a fact among them, to the whole length possible for it, not without endless results. But for the poor governors this irreducible case proved, as it were, fatal. They have never since, if we look narrowly at it, governed Scotland, or even well known that they were to attempt governing it. Once they lay on Dunse Hill, each earl with his regiment of tenants round

[4] *Acts Parl. Scot.*, Vol. VI., pp. 513-514, 516, 535-536 ; Balfour's *Annals*, Vol. IV., pp. 68, 73.

[5] *History of his Own Time*, Vol. I., pp. 91-92.

him, for Christ's Crown and Covenant; and never since had they any whole national act which it was given them to do. Growing desperate of Christ's Crown and Covenant, they in the next generation, when our Annus Mirabilis arrived, hurried up to court, looking out for their crowns and covenants; deserted Scotland and her cause somewhat basely; took to booing and booing for causes of their own, unhappy mortals;—and Scotland, and all causes that were Scotland's have had to go very much without them ever since. Which is a very fatal issue indeed, as I reckon;—and the time for the settlement of accounts about it, which will not fail always, and seems now fast drawing nigh, looks very ominous to me. . . .

"But leaving all that, the poor Scotch governors, we remark, in that old crisis of theirs, have come upon the desperate expedient of getting Charles the Second to adopt the Covenant the best he can. Whereby our parchment formula is indeed served; but the divine fact has gone terribly to the wall. The Scotch governors think otherwise. By treaties at Jersey, treaties at Breda, they and the hard law of want together have constrained this poor young Stuart to their detested Covenant, as the Frenchman said, they have compelled him to adopt it voluntarily. A fearful crime, thinks Oliver, and think me. How dare you exact such mummery under high heaven? exclaims he. You will prosecute malignants; and with the aid of some poor varnish, transparent even to yourselves, you adopt into your bosom the chief malignant. My soul come not into your secret; mine honour be not united unto you."[6]

Many declarations and papers passed between the English and the Scotch governments at this time, and between Cromwell and the Covenanters. This is from a letter of Cromwell's to the commission of the Church of Scotland, the 3rd of August, 1650:—"Your own guilt is too much for you to bear: bring not, therefore, upon yourselves the blood of innocent men—deceived with pretences of King and Covenant—from whose eyes you hide a better knowledge. I am persuaded that divers of you, who lead the people, have laboured to build yourselves in these things; wherein you have censured others 'upon the Word of God.' Is it, therefore, infallibly agreeable to the Word of God, all that you say? I beseech you, in the bowels of Christ, think it possible you may be mistaken. Precept may be upon precept, line upon line, and yet the Word of the Lord may be

[6] *Cromwell's Letters and Speeches*, Vol. II., pp. 4-5.

to some a word of judgment: that they may fall backward and be broken, and be snared and be taken. . . . There may be a Covenant made with Death and Hell. I will not say yours was so. But judge if such things have a politic aim: to avoid the overflowing scourge, or to accomplish worldly interests? And if therein we have confederated with wicked and cruel men, and have respect for them, or otherwise have drawn them into association with us, whether this be a Covenant of God, and spiritual. Bethink yourselves, we hope we do. I pray you read the twenty-eighth of Isaiah, from the fifth to the fifteenth verse. And do not scorn to know that it is the spirit that quickens and gives life. The Lord give you and us understanding to do that which is well-pleasing in His sight."[7]

The Scots were bitterly opposed to the party then at the head of the Commonwealth in England, while that party could not afford to remain passive observers of the movement in behalf of the young King in Scotland. Accordingly, Cromwell and his army entered Scotland in July, 1650, and advanced to the vicinity of Edinburgh, but he was unable to take it, as it was well covered by the Scottish army. He then retired to Dunbar, where a battle was fought on the 3rd of September, in which the Covenanters were completely defeated. Shortly after, Cromwell took possession of Edinburgh, and, by the beginning of October, was master of the south-eastern counties of the kingdom. Meantime the Scots had become more and more divided among themselves, and there had sprung up, in the heat of the conflict, several minute differences of opinion and sentiment on the burning questions of the time, which each party asserted and maintained with characteristic determination. There were now three distinct parties in Scotland. First, the Government party with the Marquis of Argyle at its head, consisting of the Committee of Estates, and the Commission of the General Assembly so far as it concurred with the government. The body of the clergy who supported the government and the resolutions of parliament and the commission of the Church, were called the Resolutioners. They supported the efforts of the government to defend the kingdom and a Covenanted king by all available means. Then secondly, there was the more strict and extreme party, fully resolved for the Covenant, and firmly opposed to all double-dealing in this solemn matter. They maintained that, though the King had granted everything and signed the

[7] *Cromwell's Letters and Speeches*, Vol. II., pp. 20-21.

papers placed before him, yet on his own part this was a mere sham, since he had shown no real indications of any change. The adherents of this section were called "Protesters." The unhappy breach among the presbyterians subsequently became very bitter and disastrous. Thirdly, apart from both the purely presbyterian parties, there was the extreme and rather mixed royalist party, which numbered in its ranks the Earls of Athole and Seaforth ; these were not all open enemies of the Covenant, nor real malignants.[8]

In the midst of all this distraction, the King was crowned at Scone on the 1st of January, 1651, when he again swore to maintain the National Covenant and the Solemn League and Covenant. Mr. Douglas, one of the ministers of Edinburgh, delivered the coronation sermon, and reminded the young prince of the iniquity of some of his royal ancestors, warning him that if he followed their example, his house would soon become desolate.[9]

As the Scots were unable to drive back the English army, they resolved on a raid across the Border. Charles accompanied the Scottish army into England, but Cromwell with a part of his force followed him. A battle ensued at Worcester, on the 3rd of September, 1651, when the royalists were defeated. The King escaped and fled to the continent.

After this, General Monk was entrusted with the task of the reduction of Scotland, and he accomplished it more thoroughly than Edward I. had done. On the 28th of August, 1651, the Committee of Estates were surprised and captured at Alyth in Angus, along with five of the members of the Commission of the General Assembly, who were all sent prisoners to England. The people of the Lowlands then submitted to the English army, but some resistance continued to be offered by the royalists in the Highlands. They too, however, were shortly subdued, and the country was reduced to order.

The General Assembly, which met at Edinburgh in July, 1653, was quietly dispersed by a company of English soldiers, and the members commanded not to meet again. Baillie tells this in his usual graphic style :—"Colonel Cotteral beset the Church with some files of musketeers and a troop of horse, and himself entered the Assembly house, and inquired if we sat there by the authority of the

[8] *Acts Parl. Scot.*, Vol. VI., pp. 544-546, *et seq ;* Balfour's *Annals*, Vol. IV., pp. 95-111, 135-160, 174, 178, *et seq ; Records of the Church of Scotland.*

[9] *The Form and Order of the King's Coronation*, printed at Aberdeen, 1651.

parliament of the Commonwealth of England, or of the Commander-in-chief of the English forces, or of the English Judges in Scotland? The moderator replied that we were an ecclesiastical synod, a spiritual court of Jesus Christ, which meddled not with any civil affairs, that our authority was from God, and established by the laws of the land yet standing unrepealed, that by the Solemn League and Covenant, the most of the English army stood obliged to defend our General Assembly. When some speeches of this kind had passed, the colonel told us that his orders were to dissolve us; whereupon he commanded all of us to follow him, else he would drag us out of the room. When we had entered a protestation of this unheard of and unexampled violence, we did rise and follow him; he led us all through the streets a mile out of the town, encompassing us with foot soldiers and horsemen, all the people gazing and mourning as at the saddest spectacle they had ever seen. When he had led us a mile without the town, he then declared what farther he had in commission, that we should not dare to meet again above three in number, and that by eight to-morrow evening, we should depart from the town, under the penalty of being guilty of breaking the public peace, and the following day, by sound of trumpet, we were commanded off the town under the pain of immediate imprisonment. Thus our General Assembly, the glory and the strength of our Church upon earth, is, by your soldiery, crushed and trod under foot, without the least provocation from us, at this time, either in word or deed." [10] But the forms of presbyterianism were not farther interfered with; and the synods, the presbyteries and the sessions were permitted to hold their meetings, only there were no General Assemblies.

The dissension between the Resolutioners and the Protesters continued throughout the Commonwealth. An attempt was made in 1655 to form an agreement between the two parties, but it failed. Subsequently both parties represented their cause to Cromwell, but neither of them gained any important advantage from this, and the disputes between them became bitter. No religious persecution was permitted in Scotland in Cromwell's reign, the Church being deprived of its power of inflicting civil penalties.

After the nation was subdued, the government of the Commonwealth was disposed to treat Scotland justly, according to its own

[10] Baillie's *Letters and Journals*, Vol. III., pp. 225-226.

view of the necessities of the case and the circumstances. The aim of Cromwell and his associates, so far as can be seen, was to amalgamate the two nations into one republic. The Protector made a bold attempt to extinguish the feudal powers of the nobles throughout Scotland. He placed twenty-eight fortresses in the kingdom, and kept an army varying from about seven to nine thousand men in the country. The taxes imposed to support this force pressed rather hard upon the Scots; but then peace and security reigned, which was a boon not to be lightly esteemed.

The most successful part of the incorporating scheme was that which established free trade between the two countries. As it was enacted—"that all customs, excise, and other imposts for goods transported from England to Scotland, and from Scotland to England, by sea or by land, are and shall be so far taken off and discharged, as that all goods for the future shall pass as free, and with like privileges and with like charges and burdens, from England to Scotland, and from Scotland to England, as goods passing from port to port, or from place to place, in England; and that all goods shall and may pass between Scotland and any other part of this Commonwealth or dominions thereof with the like privileges, freedom, and charges as such goods do and shall pass between England and the said parts and dominions."[11] This was a great advantage to the Scots.

When the army had extinguished all resistance, Cromwell placed the civil administration of Scotland in the hands of a council of eight or nine men, most of whom were Englishmen,[12] sitting in Edinburgh. The powers of this council embraced the revenue, the appointment of the inferior judges and justices of the peace, and authorised the ministers to draw their stipends, a kind of patronage which was extremely offensive to many of the clergy. The police of the kingdom was generally entrusted to the military authorities, and was efficiently executed.

The Court of Session was superseded by a supreme commission of justice, consisting of seven judges, four English and three Scotch. This court had to deal with a great change in the laws already indicated, the abolition of the feudal system; and the commutation and adjustment of the many entangled interests and obligations thence arising. A collection of their decisions is preserved, and they

[11] Bruce's *Report on the Union.*

[12] In July, 1655, the Council consisted of eight members.

are marked by good common-sense and much careful labour.[13] Baillie, under the year 1655, says :—"The kingdom was suffering for want of justice, for we have no baron courts ; our sheriffs have little skill, for common being English soldiers ; our Lords of Session, a few Englishmen, unexperienced with our law, and who, this twelvemonth, has done little or nothing ; great is our suffering through want of that court. After long neglect of us as no nation, at last a Supreme Council of State, with power in all things, is come down, of six or seven English soldiers and two of our complying gentlemen, Colonel Lockhart and Colonel Swinton. We expect little good from them ; but if an heavy excise, as is said, be added to our maintenance, and the paying of all the garrisons lie on us, our condition will be insupportable ; yet be what it will, it must be borne, we have deserved it."

Another body of seven men, half of them English, were constituted trustees of forfeited and sequestrated estates, by an ordinance in 1654. Their duties were to look after the rents and the revenues of the many Scottish nobles and lairds whose estates had been seized by the government, for offences arising out of the conquest. They were instructed to pay creditors, to give allowances to the wives, the widows, and the children of the original owners of the estates.[14] Speaking of the state of Scotland in 1656, Baillie says :—"Our state is in a very silent condition : strong garrisons over all the land, and a great army, both of horse and foot, for which there is no service at all. Our nobles lying in prisons, and under forfeitures or debts, private or public, are for the most part either broken or breaking."

But the Scots were not all satisfied with Cromwell's rule, though quietness and order were maintained in the kingdom by the strong arm. In the beginning of the year 1658, the Protector expressed his own opinion of the Scots thus :—"And hath Scotland been long settled ? Have not they a like sense of poverty ? I speak plainly. In good earnest, I do think the Scotch nation have been under as great a suffering, in point of livelihood and subsistence outwardly, as any people I have yet named to you. I do think truly they are a very ruined nation. And yet in a way, I have spoken with some gentlemen come from thence, hopeful enough ; it hath pleased to give that plentiful encouragement to the meaner sort in Scotland. . . .

[13] *The Decisions of the English Judges during the Usurpation.*

[14] *Letters and Journals*, Vol. III., pp. 388-389, 317.

The meaner sort in Scotland live as well, and are likely to come into as thriving a condition under your government, as when they were under their own great Lords, who made them work for their living no better than the peasants of France. I am loth to speak anything which may reflect upon that nation ; but the middle sort of people do grow up there into such substance as makes their lives comfortable, if not better than they were before." [15] Referring to the year 1656, Baillie said :—" The truth is, money was never so scarce here, and growing daily scarcer, and yet it is thought this parliament in September, 1656, is summoned mainly for new taxations. What England may bear, to whom the Protector remitted the half of the monthly maintenance of one hundred and twenty thousand pounds sterling, I know not ; but Scotland, whose burden has been tripled, besides the fines, forfeitures, debts, and other miseries, seems unable to bear what lies on her already." Of Glasgow at this time, he says :—" Our people have much more trade in comparison than any other town ; their buildings increase strangely both for number and fairness : it is more than doubled in our time." Finally, in regard to the kingdom in 1658 :—" In our state all is exceedingly quiet. A great army, in a multitude of garrisons, bides above our heads, and deep poverty keeps all ranks exceedingly under ; the taxes of all kinds are so great, the trade so little, that it is a marvel if extreme scarcity of money end not, ere long, in some mischief." [16]

Owing to the toleration of religious opinions under the Commonwealth, various new sects appeared in Scotland, among whom the Quakers were the most remarkable. In the year 1656, Baillie remarks that " This sect of Quakers is likely to prove troublesome : they increase much among the English both in England and in Ireland. They in a furious way cry down both ministry and magistracy ; some of them seem actually possessed with a devil, their fury, their irrational passions, and their bodily convulsions are so great. Lieutenant Osburne, one of our first apostates to the English, is an open leader to them in the streets of Edinburgh, without any punishment. Several in Clydesdale, of the most zealous Remonstrant yeomen, have turned so ; and their increase is feared, which is the just recompense of admitting the beginnings of errors." [17] Two

[15] Carlyle's *Letters and Speeches of Cromwell*, Vol. II., pp. 638-639.
[16] Baillie's *Letters and Journals*, Vol. III., pp. 318. 319, 357.
[17] *Ibid.*, Vol. III., p. 323.

years later, he says, they were increasing and making some trouble in several places in Scotland. Another contemporary says :—"Some of them walked through the streets, all naked save their shirts, crying—This is the way, walk ye in it!" Others cried out, "That the day of salvation is at hand; draw near to the Lord, for the sword of the Lord is drawn, and will not be put up till the enemies of the Lord be destroyed." In England, "there was immense difficulty with this new sect, from the fact that they had not settled down into mere local groups of individuals, asking toleration for themselves, but were still in open war with all other sects, all forms of ministry, and prosecuted the war everywhere by itinerant propagandism. George Fox himself and the best of his followers seem by this time, indeed, to have given up the method of actually interrupting the regular service in the steeple-houses in order to preach Quakerism, but they were constantly tending to the steeple-houses for the purpose of prophesying there, as was the custom in country places, after the regular service was over. Thus, as well as by their conflicts with parsons of every sect wherever they met them, and their rebukings of iniquity on highways and in market-places, not to speak of their obstinate refusals to pay tithes in their own parishes, they were continually getting into the hands of justices of the peace and the assize judges." [18]

Regarded from a religious standpoint, the Covenanting movement directly tended to intensify the religious feeling and habits of the people. The opinions and doctrines which were then formulated anew, took deep root in the heart of the nation; the Shorter Catechism of the Westminster divines became the text-book of the religious doctrines of the people, and it has exercised a vast influence over their moral and mental character. But during the period in question there was a lamentable absence of the loving and tolerant spirit which should characterise the Christian and moral life.

On the 3rd of September, 1658, Cromwell died. Although the supreme power which he had won by his energy and wisdom passed on to his son Richard, this man was unequal for the task imposed upon him, and in a few months retired into private life. The government of the three kingdoms fell into the hands of the leaders of the armies, and they then began a scramble for the summit of power;

[18] Nicoll's *Diary;* Dr. Masson's *Life of John Milton: Narrated in connection with the History of His Time*, Vol. V., p. 66.

but Oliver's mantle had not descended upon any of them. So the traditions and sentiments associated with the glories of the throne and the monarchy, were soon in the ascendant. General Monk was at the head of the army in Scotland, and having collected his forces, he carefully prepared to march into England. He called a meeting of the chief men among the Scots, and advised them to preserve the internal peace of the kingdom ; and they aided him with a sum of money. In November, 1659, he began his march southward, and entered England in the beginning of 1660. After various moves, Monk declared in favour of a free parliament, which met in March, and resolved to recall the King. And so Charles II. entered London on the 29th of May, amid the shouts and applause of the people.

CHAPTER XXVII.

The Conflict from the Restoration to the Revolution.

THIS chapter covers a period of twenty-eight years; but the exposition of the movement and of the principles of the contending parties will not be unnecessarily burdened with minute details.[1]

The Restoration in both divisions of the Island was a reactionary movement. This arose partly from the inherited sentiments of the people; whilst amongst the nobility, the traditionary feelings and ideas associated with the social organisation and constitution of the monarchy, were interwoven with their personal interests and privileges of wealth, rank, and power. Under the Commonwealth, the hereditary nobles in England and in Scotland had suffered enormously. They had been deprived of power and influence, harassed, imprisoned, banished, and many of them ruined. With the hope of escaping from this state of depression, the Lords and Commons of England, in the light of their recent experience, and the knowledge of the claims of the head of the royal family to absolute powers, again committed themselves and the people of the Island entirely to the discretion of Charles II. Intoxicated with a fit of loyal enthusiasm, the English forgot the state of matters which had caused the late Rebellion, and thus unwittingly supported the reintroduction of a kind of government which had already produced much suffering in the land. But what had happened could not be completely reversed,

[1] To narrate the events and explain the series of causes which issued in the Revolution with the fulness which they well deserve, is a task that any man might be proud to achieve; and I may be permitted to express the hope that some historian of the future, with the requisite qualifications, may be induced by the interest of the period, by the ampleness of the materials, and by the vast importance of the subject, to devote the energies of his mind to produce a full history of the three kingdoms during the seventeenth century. [Since the hope expressed in the preceding sentence of the original edition was written, I have much pleasure in stating that Dr. Gardiner has produced an excellent History of the first half of this period.]

nor the recollection of it extinguished, and at last, in 1688, it assumed the character of a Revolution.

But Scotland suffered far more from the Restoration than England, owing to various distinct causes. As already stated, the Reformation in England and in Scotland was accomplished by different agencies: In the former kingdom it was introduced and enforced by the King and his government, the English people themselves not being consulted; while in the latter it was embraced and sustained throughout by the people. Thus from the beginning of the Reformation in the middle of the sixteenth century, onwards, the contrast between the two nations was striking, and though somewhat modified, this original difference still remained at the Restoration. It was a comparatively easy matter to turn the English Church into her original groove. But the task which the government of Charles II. undertook in Scotland was more difficult; it was an attempt to change the current of religious thought and sentiment which had sprung from the Reformation of 1560. The attempt failed, though it was made with deliberation and persistence, every effort being made to crush the spirit of the people and to deprive them of their liberty.

At this crisis of the nation's history, a number of the leading ministers met, among others, Mr. Robert Douglas and Mr. David Dickson, and commissioned Mr. James Sharp, in the month of February, 1660, to proceed to London and watch over the interests of the Church of Scotland. He received definite instructions, and much confidence was placed in his ability and honesty of purpose by the leaders of the Resolutioners, who employed him. He was directed to use his efforts so that the Church of Scotland should, without encroachment, enjoy her freedom and privileges as established by the laws of the land; and by all lawful means to represent the offensiveness of the lax toleration then permitted, in order that it might be remedied. He was to endeavour to secure the right application of the ministers' stipends, and to procure for those regularly admitted by the presbyteries the benefit of the act abolishing patronage.

The correspondence between Sharp and his constituents began on the 14th of February, the date of his first letter from London, Mr. Douglas being the chief conductor of the correspondence from Edinburgh. Sharp's account of his own proceedings, and of the state of parties in England touching religious matters, is minute and seemingly correct. He soon began to impress upon the Scottish ministers in Edinburgh, that Episcopacy would be re-established in

England, and that it was useless to think of a Covenanted uniformity between the two nations. He repeatedly expressed the hope that the existing polity of the Church of Scotland would not be changed, and in his letters to Mr. Douglas he frequently made solemn averments of his devotion and attachment to Presbyterianism. Sharp returned to Scotland in the end of August, 1660, and on the 3rd of September, a letter which he brought from the King was communicated to the presbytery of Edinburgh. In it the King declared :— "We do also resolve to protect and preserve the government of the Church of Scotland, as it is settled by law, without violation ; and to countenance, in the due exercise of their functions, all such ministers who shall behave themselves dutifully and peaceably as becomes men of their calling." This and other reassuring statements in the letter were ordered to be intimated to all the presbyteries in the kingdom, and the letter was considered satisfactory by the leading ministers of the moderate party. A committee was appointed to prepare an address expressing their humble thanks to his Majesty.[2] Thus it appears that the intention of the court had been carefully concealed from the Scottish clergy, and that Sharp, who was already virtually Archbishop of St. Andrews and Primate of Scotland, had acted his part with great craft and duplicity.

When the King returned, many of the Scotch nobles and gentry flocked to London, all eager to present their claims for posts in the new government of the kingdom. The civil war and the subsequent subjection of the nation under Cromwell had rendered the Scotch nobles extremely poor and demoralised. As they had never been scrupulous about the means of attaining their ends, so they were now more than ever on the alert for everything that seemed likely to enhance their importance, or to advance their interest. This partly explains their subsequent proceedings, and their readiness to support the measures of the King and his advisers. In past struggles, many of them had joined with the people against the Crown and the government, but recently that line of action had been a losing and ruinous one, and there was no prospect of any personal advantage to be gained by it ; accordingly, they elected to follow the King and the court in whatever might be proposed, as the most direct and safe way of promoting their own interests. Sentiments and principles were cast to the winds with scorn and contempt ; religious convictions, covenants,

[2] Wodrow's *Hist.*, Vol. I., pp. 5-54, 80-81.

equity, and justice, might all go to the wall, but Charles II. must be upheld in his rights and absolute prerogatives.

The Earl of Rothes was appointed President of the Council; Glencairn, Chancellor; Crawford, Treasurer; Sir Archibald Primrose, Clerk Register; and Sir John Fletcher, Lord-Advocate. Meetings of all the Scotchmen in London were held by the King's authority, and they agreed that the committee of the parliament held at Stirling in 1650, should manage the affairs of Scotland till a new parliament should be assembled.

The resumption of office by the Committee of Estates was signalised at Edinburgh by a royal proclamation, on the 23rd of August, 1660. The same day they manifested their authority by dispersing a meeting of the protesting ministers. This section of the Presbyterians was in great danger, as their brethren, the Resolutioners, had placed too much confidence in Sharp and the King's letter, had become cold and unyielding towards the Protestors, and even proceeded to depose some of them. The Protestors justly suspected that some design was hatching against Presbyterianism, and wished to join with the Resolutioners in an effort to frustrate it; but at the time the latter were so far deceived that they rejected this proposal, and only discovered their mistake when it was beyond remedy. Thus it was, when the real intentions of the government became known in Scotland, the Presbyterians were not in a position to offer effective opposition to the new scheme. The Committee of Estates immediately passed an act for the apprehension of Mr. James Guthrie, one of the venerable leaders of the Protestors, and other ministers of this party, and they were imprisoned in Edinburgh Castle. The committee waxed bold, and on the 24th of August issued a proclamation prohibiting all public meetings unless authorised by the King, and suppressing all seditious petitions. Another proclamation on the 19th of September condemned two books, one entitled *Lex Rex*, and the other *The Causes of God's Wrath.* As these books were full of rebellious principles, calculated to turn the hearts of the people against "the King's Majesty's person, his royal authority and the peace of this kingdom," therefore they ought not to be read nor kept by any of his Majesty's subjects, and must be delivered up to one of his Majesty's solicitors before the 16th of October. Accordingly on the 17th of the month, these books were burned by the hands of the common hangman at the cross of Edinburgh. Yet another proclamation was issued, forbidding the circulation of lies and slanders against

his Majesty, or making speeches, uttering in sermons, in declarations, or by letters, libels, rhymes, and other writings, implying reproach of his Majesty's person or his government, under severe penalties. The ministers were specially warned to be careful of their language in their sermons, in their prayers, and in their private discourses.[3] The new government was aware of the power of the human voice, and at the outset endeavoured to stifle it.

On the 8th of July, 1660, the Marquis of Argyle was seized in London and lodged in the Tower; while orders were sent from the court to Scotland to arrest Johnston of Warriston and several other gentlemen. In autumn a number of the ministers were brought before the Committee of Estates, and some of them imprisoned. Already it was felt that a great change was impending.

The Earl of Middleton, as Royal Commissioner, arrived in Scotland the last day of December, and on the 1st of January, 1661, the new parliament met. The house immediately proceeded to business, and passed many acts for settling the affairs of the nation according to the new plot. The first act was a parliamentary oath of allegiance, to be taken by all the members of the house. By it they testified their faithful obedience to "Charles, King of Great Britain, France, and Ireland, defender of the faith, and do affirm, testify, and declare, by this my solemn oath, that I acknowledge my said sovereign, only supreme governor of this kingdom, over all persons and in all causes . . . and shall at my utmost power defend, assist, and maintain his Majesty's jurisdiction, against all deadly, and never decline his Majesty's jurisdiction, as I shall answer to God." In other acts of this parliament it was stated to be his Majesty's prerogative by divine right to choose all Officers of State, Councillors, and Lords of Sessions, as also the calling, proroguing, and dissolving of all parliaments; and that all meetings without his special authority were null; while in the preamble to one of the acts it was declared that "the happiness of the people depended upon the maintenance of the King's prerogative." Leagues and bonds without the King's sanction were denounced and prohibited; and it was asserted that the King had the sole right of making peace and war. The swearing or renewing the League and Covenant, or any covenant or oath, was prohibited, without the King's warrant. An act was passed in very strong terms "for taking the oath of allegiance, and asserting the

[3] Wodrow's *Hist.*, Vol. I., pp. 65-77.

royal prerogative."[4] This act was afterwards used for annoying and punishing people; it became a test of loyalty, and when any suspected person was brought before the Council or any of the courts, it was tendered to him; if he signed it he was usually dismissed, but if he refused, the refusal was immediately turned into a libel against him and no mercy was shown.

But the greatest achievement of the session was the Rescissory Act, which rescinded all the Acts of Parliament since 1633 to the Restoration. After some debate it was passed, and so the entire legislation of the Covenanting period was swept away, and Presbyterianism ceased to be the form of government in the Established Church of Scotland, while the old laws in favour of Episcopacy were again brought into force. This act was directly followed by "an act concerning religion and Church government," in which the King thanked God for preserving him through so many troubles and perils, and miraculously restoring him to his just rights and to the government of his kingdoms; and he was therefore desirous to do something for the glory and the honour of God. So he declared it to be "his firm resolution to maintain the true Reformed Protestant religion, in its purity of doctrine and worship, as it was established within this kingdom, during the reigns of his royal father and grandfather of blessed memory. . . . As to the government of the Church, his Majesty will make it his care to settle and secure it in such a frame as shall be most agreeable to the word of God, most suitable to monarchical government, and most conducive to the public peace of the kingdom." Meanwhile he allowed the existing administrations by sessions, presbyteries, and synods.[5] Thus parliament left the definite settlement of the question of Church government in the hands of the King himself.

When it became known that parliament was passing acts for subverting the established form of Church government, the ministers of Edinburgh and others exerted themselves to prevent it. Some of the presbyteries and synods openly declared against the reintroduction of Episcopacy, but their efforts were unavailing. In some instances the synods were dissolved, in others the party on the side of the government ordered the meeting to be purged of rebels—of the

[4] *Acts Parl. Scot.*, Vol. VII., pp. 3, 7, 10, 11, 12, 13, 16, 18, 44-45.

[5] *Ibid.*, Vol. VII., pp. 86-88.

opposition ministers—and by such means the opposition was completely stifled.[6]

The new government deemed it necessary to sacrifice a few victims as a warning to others. On the 13th of February, 1661, the Marquis of Argyle was brought to the bar of parliament, and accused of high treason. After a long and tedious trial, he was found guilty, condemned, and executed at Edinburgh on the 27th of May. Mr. James Guthrie, minister of Stirling, was summoned before parliament on the 20th of February, and charged with high treason. The chief points of his indictment were that he contrived, consented to, and presented to the Committee of Estates, the document called "The Western Remonstrance"; and that he composed and published the pamphlet called "The Causes of God's Wrath"; and that he framed and subscribed the paper called "The Humble Petition," of the 23rd of August, 1660, when he was apprehended; that he had convened meetings without the King's authority; that he had uttered treasonable expressions in a meeting in 1650; and that he had declined his Majesty's jurisdiction. But at this time such charges, with a little variation, might easily have been brought against many persons. Guthrie was, however, condemned, and executed at Edinburgh on the 1st of June, 1661. Several other ministers were accused before parliament, and sentenced to undergo various punishments. Johnston of Warriston was another of the selected victims. He had been a very active man throughout the Covenanting period, and he had also been employed by Cromwell, which in the estimation of the government was a great crime. At this time he escaped to the Continent, but was condemned in his absence. He was afterwards taken in France, and sent to Edinburgh for execution. It has been reported that he received the sentence to be hanged with courage, and passed his last moments like a Christian man.[7]

This session of parliament closed on the 12th of July, 1661; and the following day the new Privy Council met. It was reconstructed and invested with greater powers than the old Privy Council, as it was to continue the functions of the Estates in the intervals between the sessions, and thus to exercise judicial, legislative, and political power. Throughout the following period of persecution it wielded its

[6] Wodrow's *Hist.*, Vol. I., pp. 109-130.

Acts Parl. Scot., Vol. VII., pp. 26, 29; App., pp. 13, 34-59, 64-70, 71, 73-75; Wodrow's *Hist.*, Vol. I., pp. 131-217.

authority in a high-handed manner. The greater part of the higher nobles were in the new Privy Council, and the chief officers of State were also members; while the courts of session and justiciary were reconstituted, in place of the courts which Cromwell had introduced. Thus the new government, being fully constituted, proceeded with business.

On the last day of August, 1661, the Earls of Glencairn, Rothes, and Sharp, the future Primate, returned from London with a letter from the King, which was brought before the Privy Council on the 5th of September. In this paper, the King referred to his letter of the preceding year to the presbytery of Edinburgh, in which he had stated his intention to maintain the government of the Church of Scotland as settled by law; but the acts of the last parliament had rescinded all the legislation of the kingdom since 1633, as it was not in accordance with the monarchy and the "divine rights" of his Majesty. The King's inference was therefore plain, the Church was now exactly in the same relation to the State as she had been in 1633; and by his royal authority he resolved to restore the "Church to its government by bishops, as it was by law before the late troubles, during the reigns of our father and grandfather of blessed memory, and as it now stands settled by law." The Privy Council directly passed an act in harmony with the royal letter, and proclaimed it at the Cross of Edinburgh.[8] Thus Episcopacy was again established in Scotland.

The scramble for the bishoprics immediately began. The men whom the court selected for this dignity, with one or two exceptions, were characters of meagre ability, poorly qualified for commanding the respect or the reverence of the people. Sharp had secured for himself the primacy, but many evil wishes followed him, and it is very doubtful if the post answered his expectations. The new bishops had again to receive consecration from England. The King and his Scotch government did all that they could to enhance the importance of the bishops, and to secure for them the respect of the people. He instructed the Privy Council to "take special care that all due deference and respect be given by all our subjects to the archbishops and bishops of that Church; and that they have all countenance, assistance, and encouragement, from the nobility, the gentry, and the burghs, in the discharge of their office and services to us in the

[8] Wodrow's *Hist.*, Vol. I., pp. 230-231.

Church ; and that severe and exemplary notice be taken of all and every one who shall presume to reflect, or express any disrespect to their persons, or the authority with which they are entrusted." The Council carried out these commands to the utmost of their power."[9]

On the 8th of May 1662, the second session of parliament was opened by a sermon from the Bishop of Dunkeld ; and Middleton again took his seat on the throne as royal Commissioner. The third statute passed was, "An act for the restitution and re-establishment of the ancient government of the Church by archbishops and bishops." This act repealed all the laws in favour of the presbyterian polity, especially the act of 1592. While bishops were restored to all the rights and privileges which they enjoyed in 1637, and they were empowered to take upon themselves the whole government of the Church, with the assistance of any of the clergy who might be suitable for their purpose, untrammeled by any court, and responsible for their proceedings to the King alone. "And further, it is hereby declared that whatever shall be determined by his Majesty, with advice of the archbishops and bishops, and such of the clergy as shall be nominated by his Majesty, in the external government and policy of the Church, shall be valid and effectual." It also reinstated the bishops in all the claims, rights, patronages, rents, possessions, and lands which were possessed by their predecessors in the year 1637, notwithstanding any gifts or alienations of these possessions since that date. When this act was passed, the bishops immediately resumed their seats in parliament.[10] Thus, as the servants of the Crown, the bishops were entrusted with ample powers.

The business of parliament was rapidly pushed on, and many acts were passed to secure the new order and the ends of the government. A statute was framed and passed for the preservation of his Majesty's person, authority, and government. In this act it was asserted that the people were under great obligation to show all possible care for the preservation of the King's person, as "in his honour and happiness consists the good and welfare of his people." The evils of rebellion were expounded, and the National Covenant and the Solemn League and Covenant were declared unlawful, and henceforth null and void. Hereafter, if any person plotted the death of the

[9] *Ibid.*, pp. 235-236, 248-253 ; Dr. Grub's *Eccles. Hist. Scot.*, Vol. III., pp. 191-198, 215, 242.

[10] *Acts Parl. Scot.*, Vol. VII., pp. 368, 372-374.

King, or intended any harm to his person tending to death, or put any restraint upon him, or deposed or suspended him from the style and the honour of the kingly and imperial Crown of the kingdom, or by writing, printing, preaching, or maliciously speaking—expressed their treasonable intentions, all those found guilty of such crimes incurred the penalties of treason, and forfeited their lives, lands, and goods. Further, all who by writing, printing, praying, preaching, remonstrating, or speaking, may express "any words or sentences to stir up the people to the hatred or dislike of his Majesty's royal prerogative and supremacy in all causes ecclesiastical, or of the government of the Church by archbishops and bishops, as it is now settled by law . . . . and being legally convicted thereof, are hereby declared incapable of holding any place or employment, civil, ecclesiastical, or military, within this Church and Kingdom, and shall be liable to such further penalties as the law demands." [11]

To render the new order more complete, patronage was restored. All the ministers who had entered on their charges since 1649 were deprived of the right to their livings, unless each of them received a presentation from his patron and institution from his bishop; and patrons were requested to give presentations to the incumbents who applied within a limited time. Another act was passed touching the professors and masters of the universities, ministers, private meetings, and conventicles. This act affirmed that it was necessary for the advancement of religion and learning, the good of the Church and the peace of the kingdom, that all the principals, professors, regents, and masters of the colleges, should be loyal to the King, and well-affected to the established government in Church and State; and it was therefore enacted that none of these should be permitted to remain in their offices, except they submitted to and owned the government of the Church by archbishops and bishops, after having given satisfaction on all points to the bishops, and in their presence taken the oath of allegiance. In the same act the ministers were enjoined to be careful in attending the bishops' visitations, the diocesan synods, and assisting in all the acts of discipline which the bishops required; and if they refused to comply in these particulars, they were to be deprived of their benefices. Another clause of the act prohibited meetings or conventicles for religious exercises, because they were "the nurseries of sedition," even though held in private families;

[11] *Acts Parl. Scot.*, Vol. VII., pp. 376-377, 379.

and therefore all private meetings under the pretence of religious exercises, which tended to damage the public worship in the churches, to alienate the people from their lawful pastors, and their obedience to the Church and to the State, were henceforth forbidden. In future no one should be permitted to preach in public or in private anywhere, or to teach in any public school, or among the children of the nobles, without a licence from the ordinary of the diocese.[12]

Another act touching the declaration to be signed by all persons in public employment was passed. As this declaration was made the ground of much of the oppression which ensued, it may be quoted here :—"I, ——— do sincerely affirm and declare, that I judge it unlawful to subjects upon any pretext of reformation, or other pretext whatever, to enter into leagues and covenants, or to take up arms against the King, or those commissioned by him ; and that all those gatherings, convocations, petitions, protestations, and erecting or keeping of council tables that was used in the beginning, and for carrying on of the late troubles, were unlawful and seditious ; and particularly, that these oaths, the one called the National Covenant, as it was sworn and explained in the year 1638, and thereafter, and the other, entitled a Solemn League and Covenant, were and are in themselves unlawful oaths, and were taken by, and imposed upon the subjects of this kingdom, against the fundamental laws and liberties of the same ; and that there lies no obligation upon me or any of the subjects, from the said oaths or either of them, to endeavour any change or alteration of the government, either in Church or State, as it is now established by the laws of the kingdom."[13] Besides this declaration, which might be tendered to anyone, there were the oath of allegiance, and the act declaratory of the royal prerogative and supremacy. And, as it was easy to entangle the people with legal documents of this description, these acts and oaths became the instruments of oppression and persecution.

The new hierarchy thus thrust upon the nation was a curious establishment. It had no liturgy ; the whole discipline of the Church was placed in the hands of the bishops ; and the bishops themselves were entirely dependent upon the King, who was made pope and despot by the parliament of Scotland.

Towards the end of the session, parliament entered on the consideration of the long-delayed indemnity. A list of names was framed,

[12] *Acts Parl. Scot.*, Vol. VII., p. 379. [13] *Ibid.*, pp. 405-406.

containing of upwards of eight hundred persons, who were commanded to pay fines before they receive such protection as the law then afforded. Middleton, the royal Commissioner, also obtained the King's warrant for excluding from offices of public trust any twelve persons whom parliament might name by ballot; but this balloting act, though carried by Middleton, was shortly afterwards annulled, and the royal Commissioner himself stripped of his position and power.[14]

Parliament was adjourned on the 9th of September, 1662. The next day the Privy Council met, and ordered the diocesan synods to be held in October. These synods accordingly met as commanded. In the north they were pretty well attended, but in the south and in the west many of the ministers absented themselves. In the diocese of Glasgow alone, out of two hundred and forty ministers, only thirty-two were present at the synod;[15] while in the diocese of Galloway and Argyle none attended, except the newly appointed deans.

About the end of September, the royal commissioner and other members of the Privy Council went on a tour to the west, with the object of enforcing obedience to the bishops and to the new laws. At Glasgow, the archbishop complained to them that though the time appointed by the law was past, very few of the ministers of his diocese had presented themselves for institution; and it was reported that he urged them to enforce the provisions of the act. On the 1st of October, 1662, the Privy Council met in Glasgow, and passed an act announcing that all the ministers who had not complied with the law should forfeit their livings; also interdicting them from preaching, and ordering them to remove from their manses and parishes before the 1st of November, and not to reside within the bounds of their respective presbyteries. The Council had imagined that only a few of the ministers would refuse to comply; but when the date came, about three hundred of the ministers left their manses and their parishes, rather than subject themselves to episcopacy and to political bondage. In the northern and eastern parts of the kingdom many of the ministers submitted to the bishops, but in the west and in the

[14] *Acts Parl. Scot.*, Vol. VII., pp. 415-416, 420-429; Wodrow's *Hist.*, Vol. I., pp. 270-279.

[15] Wodrow's *Hist.*, Vol. I., pp. 280-281; Dr. Grub's *Eccles. Hist., Ch. Scot.*, Vol. III., p. 201.

south only one here and there. This was a serious blow to the new polity, and the Privy Council became alarmed at the result of its own proceedings. Sharp, the primate, disclaimed all responsibility in connection with the Glasgow act; and Middleton, incapable of understanding the sentiments of the refractory ministers, raged at the obstinacy of the men who persisted in ruining themselves for the sake of presbyterianism. Many of the people encouraged their ministers to resist the bishops, and rejoiced to see them manifest their honesty and constancy. The Council saw their mistake, and passed another act on the 23rd of December, allowing the ministers ejected under the Glasgow act liberty to apply for presentation and collation before the 1st of February, 1663. This however, induced only a few to resume their functions; and when the 1st of February came, many of the ministers relinquished their livings and left their parishes.[16]

Meanwhile a number of ministers were under legal process on various grounds; the presbyterian ministers and all who openly adhered to them were severely treated. In September, 1662, the Privy Council announced that many persons disaffected to the King had resorted to Edinburgh; and, therefore, commanded the magistrates to furnish reports of the numbers of such persons in the city every evening. The ministers of the capital, who refused to conform to the new order of the Church, were commanded to depart from the city, while several were banished out of the King's dominions, not to return under the penalty of death, and others under lesser penalties.[17]

In the winter of 1663, a contest arose between Middleton and the Earl of Lauderdale (the latter then secretary), for the chief place in the management of the government of Scotland. In spite of all that Middleton had done for the King in the Scotch parliament, Lauderdale prevailed on the King to dismiss him; and in March his commission was recalled, and shortly after he was deprived of all his other offices. The Earl of Rothes was appointed royal commissioner; but Lauderdale obtained, and long held the ascendancy in the government of Scotland, mainly by his pandering to the King.[18]

Rothes and Lauderdale arrived in Edinburgh in June, 1663; and Parliament reassembled on the 18th of the month. The lords of the

[16] *Kirkton*, pp. 148-154, 1817; Wodrow's *Hist.*, Vol. I., pp. 281-286.

[17] Wodrow's *Hist.*, Vol. I., pp. 297-318.

[18] Sir George Mackenzie's *Memoirs of the Affairs of Scotland*, pp. 78-114, 1821.

articles were changed, and re-elected in the following mode:—The bishops elected eight of the nobles, the nobles then elected eight of the bishops; and these together elected eight from the county members, and eight from the burgh members. Thus the committee of the articles was certain to be on the side of the court. The acts of the two last sessions of parliament were explicit on the powers of the King, and on the functions of the bishops of the Church; but to suppress and subdue the opposition to the new clergy which had been manifesting itself, another oppressive act was passed, and its aim was to prevent separation from the established worship, and disobedience to the episcopal authorities. It again asserted that the King had determined to maintain the government of the Church by archbishops and bishops, "and not to endure nor give in to any variation therein in the least." The ejected ministers were prohibited from preaching or assuming any of their functions, under the penalty of sedition. All persons were commanded to attend the ordinary meetings of public worship in their own parish churches on Sunday; and if they absented themselves, they incurred the following fines:—each noble, gentleman, or proprietor of land, the sum of one-fourth of his yearly rental—each tenant, a fourth part of his moveable goods,—each burgess, a fourth of his moveable goods, with the forfeiture of his freedom of trading and all privileges within the burgh. The Privy Council were ordered to enforce this act vigorously, and having called all persons before them, whom the curates and two witnesses had reported, to inflict on the offenders the above penalties, and any corporal punishment which they thought fit.[19] This act was excessively oppressive, and the people called it in derision "the bishops' drag-net."

This parliament generously offered the King a force of twenty thousand foot and two thousand horsemen, who might serve him in any part of Scotland, England, or Ireland. The Estates adjourned on the 9th of October, and no more parliaments were assembled in Scotland for six years.[20]

Some of the ejected ministers still resided in their parishes, and naturally continued to preach. The people in many places flocked to hear them; while the new incumbents often found their churches deserted, which was extremely displeasing to the government. Thus

[19] *Acts Parl. Scot.*, Vol. VII., pp. 446-449, 455-456.

[20] *Ibid.*, p. 480; Mackenzie's *Memoirs of the Affairs of Scotland*, pp. 132-133.

the religious meetings arose which the authorities called "conventicles," and which parliament had already attempted to extinguish by compelling the people to attend the parish churches. In June, 1663, the archbishops of St. Andrews and of Glasgow were appointed Privy Councillors. On the 13th of August, the council passed an act, by which all the ministers appointed before 1649, who had not received presentation and collation, were commanded to remove from their parishes, with their families, within three weeks, and not to reside within twenty miles of their former parishes, or within six miles of Edinburgh, or any cathedral church, or three miles of any royal burgh, under the penalty of sedition. All landholders and householders in the kingdom were strictly forbidden to give any countenance to these ministers. On the 17th of September, the Privy Council issued a proclamation against persons who presumed to withdraw from the ordinary meetings of public worship, in parishes where curates were already planted; and not only commanded all the nobles, the sheriffs, the magistrates, and justices of peace, but also all the officers in the standing army, to assist the curates in compelling the people to attend their parish churches. The officers of the army were empowered to exact fines from all who absented themselves from the churches on Sunday; thus the course of persecution was begun and vigorously continued.[21]

In October, 1663, different detachments of troops were sent to the south, to the west, and to the south-west, but the greatest suffering was inflicted in the south-west, and to this region Sir James Turner was despatched. He had served in foreign wars, and was a fit instrument for the work assigned to him. He was ordered to put the law into execution against all who withdrew from hearing the curates; and to impose a fine of twenty shillings Scots for every time that a person was absent. The process of fining was very summary: the curate accused whom he pleased to any one of the officers of the army, who acted as judge; no witnesses were required; the soldiers also executed the sentence; while very often the fine extorted far exceeded what the law allowed, and frequently went into the officers' own pockets.[22] These proceedings were extremely galling to the people of the west, who were firmly attached to presbyterian principles. But some of the new curates adopted the device of calling a

[21] Wodrow's *Hist.*, Vol I., pp. 340-346.

[22] Kirkton's *Hist.*, p. 99; Wodrow's *Hist.*, Vol. I., pp. 373-374.

roll of the parishioners at the close of the service, and then handed the list of the absentees to the officer commanding in the district. If a tenant or the head of a family was unwilling or unable to pay the fines, the soldiers were sent to quarter upon him; and in this way many poor families were ruined, as their goods were distrained and sold. In executing these proceedings, the soldiers were often insolent, rude, and cruel; they mocked at family worship, and disturbed and annoyed the people when engaged in it; many of them were cruelly beaten, and driven to church and to prison with equal violence. Thus all the humble ranks of the people were treated; but the names of defaulting landed proprietors were directly forwarded to the Privy Council, and it speedily disposed of their cases. The military executed another form of oppression at the churches of the old presbyterian ministers, some of whom had remained in their parishes and had large congregations, which seems to have greatly offended the bishops. The soldiers were ordered to go to these churches and inspect the congregations. The mode of proceeding in such instances was this:—A party of soldiers came to the church door and guarded it, then ordered the people to pass out one by one, and interrogated them upon oath, if they belonged to the parish; and if they could not answer that they were parishioners, the soldiers immediately fined them, and any money which they had on their person, was taken from them; but if they had no money, or not so much as was required, then their bibles, the men's coats, and the women's plaids, were taken from them. Instances have been recorded where companies of soldiers entered the presbyterian churches and interrupted the worship; while some were placed at each door, others drove the people out, and forced them to swear whether they belonged to this church or not, and according to the answers received, they were allowed to go or were conveyed to prison. There were yet other modes of compelling the people to attend the new curates, for some of the bishops even employed spies, who went to conventicles in disguise, and then informed upon those who were present. [23]

The government still deemed the means of coercion insufficient; and the King on the 16th January, 1664, authorised the erection of a Court of High Commission, to attend especially to ecclesiastical matters. This court was solely constituted by the royal prerogative.

[23] Wodrow's *Hist.*, Vol. I., p. 375; Kirkton's *Hist.*, pp. 200-201.

Its members consisted of the two archbishops, seven other bishops, and thirty-five laymen, including the chief officers of State; and any five of them, one being a bishop, were to form a quorum. The court was invested with plenary powers, and no one was exempted from its jurisdiction; the least suspicion that a person was disaffected to the established episcopacy might be construed into a crime; and it could cite ministers, censure, fine, depose, imprison, or banish, all who refused to submit to episcopacy. All the officers of the army, the sheriffs, the bailies of regalities, justices of peace, and the magistrates, were ordered to apprehend all such offenders and place them in the hands of the court; and the governors of the King's castles, and the keepers of prisons were commanded to receive and to detain in close custody all such persons as the commissioners of the court committed to them. Then the fines imposed by this court were enforced by letters of horning; in short, it was calculated to be an effective engine of oppression and persecution. The record of its proceedings is lost, but contemporary accounts describe it in terms of unmitigated condemnation. Before the end of two years its powers were withdrawn, probably because the Privy Council thought that it encroached upon its own authority.[24]

The persecution was continued and increased in severity. On the 7th of December, 1665, the Privy Council passed an act against the nonconforming ministers, and ordered that the former acts should be rigorously enforced. At the same time the Council issued a proclamation against conventicles, and again commanded all those in authority and office to execute the law against every one attending these meetings. The soldiers in Galloway and in the west oppressed the inhabitants by quartering upon them; and they were authorised by the government to collect the fines from those excluded from the King's indemnity, as well as the fines for nonconformity; and many acts of gross injustice and cruelty were perpetrated. The people manifested a determination to meet occasionally to hear their favourite preachers, in spite of all the efforts of the government to prevent them. At last, driven past the limits of human endurance and goaded to desperation, they turned upon their oppressors. Their first act of open resistance occurred in the vicinity of the small village of Dalry in Galloway, in November 1666, when four countrymen rescued an old man whom the soldiers were maltreating to extort his

[24] Kirkton's *Hist.*, pp. 201-203, 205-207; Wodrow's *Hist.*, Vol. I., pp. 384-395.

church fines. They were soon joined by others, and disarmed the small detachment of soldiers quartered in the district. Having committed themselves, they resolved to surprise Sir James Turner, and marched on Dumfries, where he had his head-quarters. They entered the town on the morning of the 15th of November, and took Sir James a prisoner, and disarmed his men. They then proceeded to the market cross and publicly drank the King's health, and prosperity to his government. The rising was ill-concerted, however, and the insurgents hardly knew what next to attempt.[25]

They proceeded to Ayrshire, where they expected many persons would join them. But some of the leading men of the county were already in prison, so that few joined their standard, and the enterprise seemed hopeless. The insurgents then marched into Lanark, and in that county their numbers reached about two thousand; but they had no organisation or discipline. There they renewed the covenant, and issued a manifesto. Meanwhile the Privy Council had ordered Dalziel to march against the insurgents, who had advanced to the neighbourhood of Edinburgh, but were unable to take it, and retired southwards to the Pentland Hills. On the 28th of November, Dalziel with the royal army came upon the insurgents; and after a slight encounter, completely defeated them. About fifty of the insurgents were killed, and one hundred taken prisoners.[26]

The prisoners were brought to Edinburgh to be tried. Much care had been taken to magnify the rising as the result of some great conspiracy against the government; and the authorities resolved to try if torture would elicit a confession. Hugh McKail, a preacher, and John Neilson of Corsack, were both tortured, their legs being encased in that fearful instrument, the boot, and crushed unmercifully to extort a confession, but they had nothing to confess. Yet it never seems to have occurred to the authorities that their own oppressive treatment of these poor people was an all-sufficient explanation of the rising. McKail was executed, and the dismal work proceeded; nineteen were hanged in Edinburgh, and about the same number in Glasgow, Ayr, Irvine, and Dumfries; altogether forty persons were executed.[27]

[25] Wodrow's *Hist.*, Vol. I., pp. 428-430; Vol. II., pp. 8-13; Kirkton's *Hist.*, pp. 229-232.

[26] Learmont's *Chronicle;* Blackadder's *Memoirs.*

[27] Kirkton's *Hist.*, pp. 247-255; Wodrow's *Hist.*, Vol. II., pp. 39-55.

Military execution directly followed, Dalziel and Drummond were despatched westward to crush out the spirit of rebellion, and compel the people to embrace episcopacy. The army acted with more rapacity than if they had been in an enemy's country. Wherever they went they took free quarters. On the roads and in the fields robbery and murder were frequently committed with impunity; while complaints only occasioned more suffering. Suspicion was accepted as evidence of guilt, no proof of innocence was allowed, or mitigating circumstance considered. Many acts of extreme cruelty and outrage have been recorded, but I refrain from detailing these sickening scenes.[28]

Much of the odium of this persecution was attributed to Archbishop Sharp. Whether rightly or wrongly, it was certainly believed that he had insisted on strong measures of repression. Some men of influence began to think that there had been enough of violence, and a rather milder mode of administration was attempted, though no change was made in the principles of the government itself. In August, 1667, the army was ordered to be disbanded; and in October, an indemnity was offered to all who had been engaged in the late rising, excepting a few who were especially obnoxious, on the condition that they appeared before the authorities and signed the bond of peace. This was to the effect that the persons who signed it, promised to keep the public peace and not rebel against the King's authority, Thereupon the people enjoyed a short breathing time, and began to hope that they might again be placed under the protection of the common law of the kingdom.[29]

In 1668 the government seemed to show some leniency to the presbyterians, but, on the 11th of July, an extremely untoward event happened in Edinburgh. James Mitchell, a young man who had been concerned in the recent rising, and one of those specially excluded from the indemnity, attempted to assassinate Archbishop Sharp. The primate was coming from his lodging, and had just stepped into his coach with the Bishop of Orkney, when a pistol shot was discharged at him, which missed him, but shattered the Bishop of Orkney's arm. Mitchell crossed the street and instantly disappeared amid the confusion; and he was not taken till six years afterwards. The government naturally raised a great clamour about this dastardly attempt, and offered a reward of two thousand

[28] Wodrow's *Hist.*, Vol. II, pp. 62-80. [29] *Ibid.*, Vol. II., pp. 80-100.

merks to any person who should discover the assassin, and three thousand to any one who should apprehend him. It was reported that Sharp was much touched by the attack on his life, and retained in his mind a vivid impression of the figure of the assassin.[30] The King in his letters to the Privy Council for some time after the attempt on Sharp's life, warmly recommended the bishops and the loyal clergy to the care of the Council. He enjoined the Council to inquire minutely into all affronts and assaults upon them. In the south and in the west, the bishops and the curates required all the protection which the government could afford them ; for they were odious and hateful to the majority of the people in these regions. The outcry was now renewed against the presbyterians and their conventicles, and the Privy Council took steps to enforce the acts against the nonconforming ministers and those who attended conventicles, or had their children baptised by persons unauthorised by the Established Church. Although many of the churches were vacant, the bishops complained bitterly of the conduct of the ejected ministers who officiated in their own houses and at conventicles. In consequence of these complaints many of them were brought before the Council.[31]

In the month of June, 1669, by authority of the King, a temporising measure on a small scale was tried. The Privy Council was authorised to appoint as many of the ejected ministers as they thought fit to the vacant churches. Those who consented to take collation from the bishops were to receive their stipends ; and those who did not were only to have the use of the manse and the glebe, with permission to exercise their functions, and to receive annually such a sum of money as the Council thought fit. All the ministers who accepted this offer bound themselves to attend the meetings of the presbyteries and the synods, and not to administer the communion to any one save their own parishioners, or baptise children, or marry parties from neighbouring parishes, without the permission of the minister of the parish to which they belonged ; they were besides to

[30] Kirkton's *Hist.*, 277-279. Kirkton calls Mitchell "a weak scholar, who had been in arms with the Whigs ;" Wodrow says "he was a preacher of the gospel, and a youth of much zeal and piety" (Vol. II., p. 115). Sir James Turner called him "a preacher, but not an actual minister" (*Account of the Pentland Insurrection*). There is no evidence that he was a licensed minister.

[31] Wodrow's *Hist.*, Vol. II., pp. 120-129.

discourage the people of other parishes from attending their preaching. As the government thought that these orders had removed all pretence for holding conventicles, the Privy Council was commanded to proceed with the utmost severity against all who preached without authority and those who listened to them. Upwards of forty ministers were re-admitted to parishes under the above conditions. But it soon became manifest that this compromise was unsatisfactory to all concerned. The true blue presbyterians asserted that it was merely an attempt to blind them; and those not included in the indulgence railed against the ministers who had accepted it. The episcopal party were equally displeased with it; and in a short time the Council refused to grant any more indulgences to the ejected ministers.[32]

The second parliament of this reign was opened at Edinburgh on the 19th of October, 1669, with the Earl of Lauderdale officiating as a royal commissioner. The King in his letter to the Estates proposed a union of the two kingdoms, but the proposal came to no practical result. The Archbishop of St. Andrews preached a sermon before parliament, in which he stated that there were three pretenders to supremacy—the Pope, the King, and the General Assembly of the presbyterians, all whose claims he maintained were untenable. The Lords of the Council were inclined to resent this, and an act was introduced and passed in parliament containing a full and definite statement of the King's supremacy.

This act is not long, and as it presents an indication of the principle on which the government of the Church of Scotland was then founded, it may be quoted. "The Estates of parliament having seriously considered how necessary it is, for the good and peace of the Church and the State, that his Majesty's power and authority in relation to matters and persons ecclesiastical be more clearly asserted by an act of parliament; having therefore thought fit it be enacted, asserted and declared; so his Majesty, with advice and consent of his Estates of parliament, does hereby enact, assert and declare, that his Majesty has the supreme authority and supremacy over all persons and in all causes ecclesiastical within this kingdom: and that by virtue thereof, the ordering and disposal of the external government and polity of the Church does properly belong to his Majesty and to

[32] Sir George Mackenzie's *Memoirs*, pp. 261-262; Wodrow's *Hist.*, Vol. II., pp. 129-136.

his successors, as an inherent right of the Crown: and that his Majesty and his successors may settle, enact, and emit such constitutions, acts, and orders, concerning the administration of the external government of the Church, and the persons employed in the same; and concerning all ecclesiastical meetings and matters to be proposed and determined therein, as they in their royal wisdom shall think fit: which acts, orders, and constitutions, being recorded in the books of Council and duly published, are to be obeyed by all his Majesty's subjects, notwithstanding any law, act, or custom to the contrary: likewise his Majesty with advice and consent aforesaid, does rescind and annul all laws, acts, and clauses thereof, and all customs and constitutions, civil and ecclesiastical, which are contrary to, or inconsistent with his Majesty's supremacy, as it is hereby asserted, and declares the same void and null in all time coming." [33] This act invested the Privy Council with full legislative power, and reasserted the position of Charles as King and Pope.

The Estates passed an act for the protection of the episcopal clergy from the violence of disaffected and disloyal persons, and ratified all the former acts and proclamations of the Privy Council on this point, and all previous acts of parliament. Land-owners, life-renters, and others were commanded to protect, to defend, and to secure the persons, families, and goods of their ministers; guarding them not merely in the exercise of their functions, but in their houses and elsewhere, from all injuries and affronts at the hands of disaffected persons; [34] while an act was passed for facilitating the payment of disputed parts of the bishops' and curates' stipends and rents.

The presbyterians had frequently met in private houses, but now they began to assemble in the fields; the men sometimes attending the conventicles armed, in case of being surprised by the soldiers who were always scouring the country. On the 13th of January, 1670, additional orders were given to the troops; and on the 3rd of February, a proclamation concerning conventicles was issued, by which the soldiers were commanded to seize the persons of landlords, ejected ministers, tenants, and others, who attended the conventicles, to compel them to find bail, and if they refused it, then to send them to the Council, with a list of the witnesses against them. This year

[33] *Acts Parl. Scot.*, Vol. VII., pp. 551, 554; Sir George Mackenzie's *Memoirs*, pp. 159-160.

[34] *Acts Parl. Scot.*, Vol. VII., p. 556.

many field meetings were held, three of them attracting particular notice owing to the crowds assembled. One met at Beithhill, in the parish of Dunfermline, in the middle of June ; another at Livingseat, in the parish of Carnwath, about the same date ; and the third at the Torwood, in Stirlingshire, in the beginning of July. One of the ministers who preached at the first of these meetings, has himself given an interesting account of it. The people began to gather on Saturday afternoon, and many lay all night upon the hill-side. The ministers who officiated were Mr. John Dickson and Mr. John Blackadder, the latter having come from Edinburgh on Saturday night. It was resolved to hold the meeting on the summit of the hill, for greater security ; and a fitting spot having been chosen, they pitched their tent. Mr. Dickson conducted the service in the forenoon ; and while this was going on, Mr. Blackadder placed himself at the outskirts of the crowd, with the men appointed to watch. During the time of the service some ill-affected people were observed to come in among them, and amongst others the two sons of the curate, with fourteen strong fellows at their back. Mr. Blackadder permitted them to come and hear, but not to depart, lest they should give the alarm, and the watch kept their eyes on them. The morning preaching, which began at eight, was peaceably concluded about eleven.

Mr. Blackadder preached in the afternoon ; but before going to the tent, when revolving his sermon in his mind, he heard a noise, and found that it proceeded from a party bringing back the curate's two sons, with some violence, for which he rebuked them, and ordered the men to let the youths come back without hurting them. After he had begun his sermon, the lieutenant of the militia stationed in the district, with a few others, arrived ; he gave his horse to a man to hold, and passed in among the people and listened to the preaching for a time. He then returned to his horse and prepared to remount, when some of the guard interfered and requested him to stay, lest his abrupt departure should offend and disturb the meeting ; but he refused to remain, and began to threaten by drawing his staff. The guards then seized him as he was putting his foot in the stirrup, and presented pistols at him. The minister fearing that they might kill him, stopped his sermon, and persuaded the people to allow the lieutenant to depart, and thus to manifest their peaceable intentions. After settling this stir, which lasted about half-an-hour, the minister returned to his tent and resumed his sermon, and brought the meeting

to a close. But this interference with the King's servant was afterwards made the occasion of several severe prosecutions, so intent and determined was the government on extinguishing conventicles." [35]

These meetings greatly irritated the government, and it was resolved to adopt more severe measures of repression. Parliament met at Edinburgh on the 28th of July, 1670, and passed a number of acts against all who disagreed with the Established Church. One act concerning the giving of evidence, commanded that every person in the kingdom when asked, should declare upon oath whatever they knew about conventicles and the individuals present at them. This oath to reveal what they knew might be administered by anyone authorised by the King; and refusal to take it was followed by fines, imprisonment, or banishment to the plantations in the Indies, "or elsewhere, as his Majesty's Council shall think fit." Another act touching field conventicles was still more severe. After stating the fines and punishments imposed for attending religious meetings in private houses, it was enunciated, "that field meetings are the rendezvous of rebellion, and tend in a high degree to the disturbance of the public peace; therefore it is statuted and declared, that whosoever, without licence or authority, shall preach, expound scripture, or pray, at any of these meetings in the fields, or in any house where there are more persons than the house contains, so that some of them be standing without doors, which is hereby declared to be a field conventicle, shall be punished by death and confiscation of goods. And it is hereby offered and assured, that if any of his Majesty's subjects shall seize and secure the persons of any who shall either preach or pray at these field meetings, or convene any persons thereto, they shall for each person so secured have five hundred merks paid to them for reward, out of his Majesty's treasury, by the commissioners, who are hereby authorised to pay the same; and the said seizers and their assistants are hereby indemnified from any slaughter that may be committed in the apprehending and securing of such persons." A more mischievous act it would be difficult to conceive; and that its operation would drive a portion of the people into rebellion might have been expected. The act enforcing attendance at public worship in the parish churches was re-enacted under a different title; while another act was passed to punish those who offered their children to be baptised by any other minister than their own parish one, "or else by such as are authorised

[35] Blackadder's *Memoirs*, pp. 144-148; Wodrow's *Hist.*, Vol. II., pp. 154-159.

by the present established government of the Church, or licensed by his Majesty's Council." The aim of this was to prevent the ejected ministers from baptising; but one act of exclusive legislation usually demands another of a similar character. So parliament, in 1672, passed an act against those who were unwilling to have their children baptised in an orderly form; and enacting that these persons who failed to have their children baptised by their parish ministers, within thirty days after birth, rendered themselves liable to heavy fines. Thus, "every proprietor of land and life-renter shall be fined a fourth part of his valued yearly rent; every person above the rank of a tenant, having a personal but no real estate, in a fine of one hundred pounds Scots; every considerable merchant a fine of one hundred pounds Scots; every inferior merchant or considerable tradesman, and every tenant labouring land, fifty pounds; every meaner burgess, inhabitant of a burgh, and every cottar, twenty pounds; and every servant half a year's fee." [36] This act has the merit of definiteness and minuteness; but the enormous fines meant ruin to the offending parties.

In spite of this severity, the people in some districts continued to meet in the fields; and every fresh attempt to enforce uniformity only drove them into stronger dissent. Efforts of a more peaceful character were tried by Bishop Leighton to win over the ejected ministers and the nonconforming people of the west; but he met with little success. He selected six persons, among whom were Bishop Burnet and Lawrence Charteris, to preach to the people in the vacant churches throughout the western counties. Their sermons were attended by numbers of the people, but few of them were convinced or moved to change their views by the arguments of the episcopal preachers. Burnet himself says, "The people of the country came generally to hear us, though not in great crowds. We were indeed amazed to see a poor commonalty so capable of arguing upon points of government, and on the bounds to be set to the power of princes in matters of religion. Upon all these topics they had texts of scripture at hand; and were ready with their answers to anything that was said to them. This measure of knowledge was spread even among the meanest of them, their cottagers and their servants. They were, indeed, vain of their knowledge, much conceited of themselves, and were full of a most entangling scrupulosity; so that they found

[36] *Acts Parl. Scot.*, Vol. VIII. pp. 7, 8-10, 11, 72-73.

or made difficulties in everything that could be laid before them. We stayed about three months in the country, and in that time there was a stand in the frequency of conventicles, but as soon as we were gone, a set of these hot preachers went round all the places in which we had been, to defeat all the good we could hope to do. They told them the devil was never so formidable as when he was transformed into an angel of light." [37]

Parliament met at Edinburgh in June, 1672, Lauderdale being again royal commissioner; and excepting a short session in the following year, there were no more meetings of parliament for nine years. An act was passed renewing the former acts against conventicles; and the act specially commanding the observance of the 29th of May, in commemoration of his Majesty's restoration to the kingdoms of his ancestors: this act was repeatedly passed, and all the people commanded to celebrate the event on the appointed day, by the ringing of bells, bonfires at night, and other manifestations of joy; while all the ministers were ordered to preach on this day, "that they, with the whole people, may give thanks to God Almighty for His so signal goodness to these kingdoms." Those who failed to obey were to be severely punished. Along with other acts this one afforded ground for oppression.[38]

In September, 1672, the Privy Council granted another indulgence to the ejected ministers. They were enjoined to repair to certain parishes, which were named, in the dioceses of Galloway, Glasgow, Edinburgh and Argyle, and two and sometimes three ministers were appointed for each parish. They were permitted to preach and exercise their functions within the limits assigned to them, a portion of the stipend being allowed for their support. But this indulgence was disliked by many of the presbyterian ministers; and those who accepted it were hampered by many difficulties, while it gave little satisfaction to any.[39]

On the 7th of March, 1673, the Privy Council ordered all the ejected ministers in Edinburgh to remove from it to a distance of five miles, unless they bound themselves to hold no conventicles. In April, the Council issued a proclamation announcing more severe penalties

[37] *History of His Own Time.* "The harvest they reapt was scorn and contempt; a congregation they could never gather; they never pretended to have made a proselyte."—Kirkton's *Hist.*, p. 294.

[38] *Acts Parl. Scot.*, Vol. VIII., pp. 73, 89.

[39] Wodrow's *Hist.*, Vol. II., pp. 201-211.

against conventicles; and some of the indulged ministers were punished for not confining themselves to the limits prescribed to them.[40]

But the conventicles became more and more common, and in March the government proclaimed an indemnity and pardon for past fines and offences incurred through the contravention of the penal acts, excepting the penalties already imposed, and all sentences of banishment and imprisonment. This indemnity extended to the penalties against conventicles, irregular baptisms, and marriages, up to the date of its publication. But the people looked upon it rather as an encouragement for the future than as a remission for past offences; and from this time conventicles of all kinds increased still faster, in houses, in churches, and in the fields. In the south, in the west, and in Fife, the people fixed upon positions in fields, on moors, and on the hills, where multitudes assembled every Sunday, till the defeat at Bothwell Bridge. "Then the conversation up and down Scotland was the quality and success of the last Sunday's conventicle, who the preachers were, what the number of the people was, what doctrine the minister preached, what change was among the people; how sometimes the soldiers assaulted them, and sometimes killed some of them; sometimes the soldiers were beaten, and some of them killed. And this was the exercise of the people of Scotland for a period of six years." In the summer of 1674, it was recorded that—"Because men durst not, the women of Edinburgh would needs appear in a petition to the Council, wherein they desired that a gospel ministry might be provided for the starving congregations of Scotland. Fifteen of them, mostly ministers' widows, engaged to present so many copies to the principal Lords of Council, and upon the 4th of June filled the whole Parliament Close. When the Chancellor came up, Sharp kept close to his back, fearing, it may be, bodily harm, which he then escaped. Only some of them reproached him, calling him Judas and traitor, and one of them laid her hand upon his neck, and told him that neck must pay for it ere all was done, and in that guessed right; but this was all he suffered at that time. Mr. John Livingston's widow undertook to present her copy to the Chancellor, which she did. He received it, and civilly pulled off his hat. When she began to speak, and took hold of his sleeve, he bowed his head and listened to her, even till he came to the Council chamber door.

[40] Wodrow's *Hist.*, pp. 211-233.

She who presented her copy to Stair found no such kind reception, for he threw it upon the ground, which made one tell him he did not so with the remonstrance which he helped to write. But when the Council met, the petition was turned into a seditious libel by the vote of the Court. The provost and guard were sent for, but none of these were very cruel; only they threatened, and the women dissolved. Thereafter, for an example, some of them were cited, and some denounced rebels. Three women they imprisoned also for a time—James Clelland's wife, Miss Campbell, and a daughter of Johnston of Warriston—and this was the end of that brush."—Sir George Mackenzie gives this account of the affair ;—" And petitions for able ministers were given in to the Council, by many hundreds of women, who filled the Parliament Close, threatened the Archbishop of St. Andrews, who passed along with the Chancellor, for whose coming he had waited in his own chamber; and some of them had conspired to set upon him, when a woman, who I shun to name, should raise her hand on high as a signal : to prevent which, the Chancellor, by entertaining the woman with insinuating speeches all the time as he passed to the Council, did divert that bloody design." [41]

The government taxed its ingenuity to the utmost in devising means to prohibit conventicles, and to crush the spirit of the people. In June, 1674, the heads of families were made liable for their wives and children, and their servants ; and the proprietors of land for their tenants and servants. They were obliged to subscribe a bond that they would obey this, under severe penalties. The bond is in these terms : " I—bind and oblige me, that I, my wife, or any of my children in family with me, my cottars, or servants, shall not keep or be present at conventicles, either in houses or in the fields, as the same is defined by the 5th Act of the second session of his Majesty's second parliament, under the fines therein contained. . . . And for the more security, I am content, and consent that these presents be inserted in the books of the Privy Council, books of Council and Session, or any other competent judges' books, that letters and execution may pass thereupon. . . . God save the King." Proclamations and orders were issued for apprehending the ministers who preached at conventicles, and the people who attended them, while the promise of rewards to persons who seized them was renewed.

[41] Wodrow's *Hist.*, Vol. II., pp. 266-267 ; Kirkton's *Hist.*, pp. 342-346 ; *Memoirs*, p. 273.

Indeed, every one in the kingdom was in some way obliged or encouraged to inform upon another, and every man to ruin his neighbour. On the 16th of July, 1674, thirty-nine of the ejected ministers, having been shortly before summoned to appear before the Council, and having failed to comply, were proclaimed rebels, and put to the horn ; amongst the list of ministers thus denounced some were dead, and others had been indulged, but all were indiscriminately proscribed. Donald Cargill, the noted field preacher, and James Kirkton, the author of a history of the Church of Scotland, and other notable Covenanters, were included in this sentence. These ministers, along with others before denounced, then formed themselves into a body completely separated from the bishops and the curates ; and a number of gentlemen and many of the people joined them. Having been outlawed, they were forced to betake themselves to hiding-places, to the fields, and to the hills. Being exposed to the attacks of the soldiers at their meetings, these parties usually carried arms.[42]

Nevertheless the rigorous laws of the government failed to prevent preaching in private houses and in the fields. In 1675, garrisons were placed in private mansions, where the nonconformists were most numerous ; while letters of intercommuning were issued against upwards of a hundred persons, of whom eighteen were ministers. Thus the dissenters were not only outlawed but also deprived of all intercourse with their fellow men ; all who held any intercourse with them became implicated in their crimes, and rendered themselves liable to the same punishment. In the terms of the law then proclaimed—"We command and charge all our subjects, that they, nor none of them, presume to reset, supply, or intercommune with any of the aforesaid persons or rebels, for the causes foresaid, nor furnish them with meat, drink, house, harbour, victuals, or any other thing useful or comfortable to them, nor have any intelligence with them by word, writing, message, or any other way, under the penalty of being reputed and esteemed art and part with them in their crimes. and pursued therefore with all rigour to the terror of others."[43] These modes of persecution forced many to leave their homes, and wander from place to place in want and weariness, shunned, spurned,

[42] Wodrow's *Hist.*, Vol. II., pp. 234-248 ; Kirkton's *Hist.*, pp. 348-352.

[43] Wodrow's *Hist.*, Vol. II., pp. 286-288.

and hunted by the authorities, sustained by nothing but by the glow and strength of their faith.

In March, 1676, the government issued a fresh proclamation against conventicles, commanding the authorities, under severe penalties, to seize all intercommunicated persons, and to put the penal laws in force against all offenders and rebels. The Council granted commissions to form and appoint committees, to put the laws against conventicles and dissenters into execution; one was ordered to sit in Edinburgh, one in Glasgow, one for Stirling and Fife, and one for Aberdeenshire, Moray, and Ross.[44]

A large meeting of the presbyterian ministers was held in Edinburgh in the beginning of the year 1677. A considerable section of the people had now openly disowned and separated from the episcopal clergy and Church; and indeed the presbyterians were too numerous for the effective operation of the penal laws against them; but the government still attempted to put down conventicles. Sir George Mackenzie was appointed Lord-Advocate in August, 1677, and ever after he was an open enemy to the presbyterians, or "the fanatics," as he called them. He expressed his views thus:—"These fanatics finding all their hopes disappointed, resolved to try by force what they could not obtain from favour; and knowing that they might expect the connivance, at least, of the party in opposition to Lauderdale, and that party having blown up their expectations, by assuring them that the Parliament of England was, by many late elections, become more fanatical, they hounded out all their ministers to keep field conventicles in such numbers and so well armed, and to threaten so all the orthodox clergy, and to usurp their pulpits, that the Council was much troubled at the clouds which they saw so fast gathering; and Lauderdale was the more envenomed, that all these disorders were charged upon the late offers made by him of an indemnity and indulgence, and the news that was industriously spread, both in London and Edinburgh, of great sums of money promised to his duchess by the fanatics. Notwithstanding of all which, Sir George Mackenzie being lately admitted to be his Majesty's Advocate, did prevail with the Council to prevent, by the ensuing articles, all the fanatics' just exceptions against the forms formerly used against them. 1. That his Majesty's Advocate be special as to time and place in libelling against conventicles and

[44] Wodrow's *Hist.*, Vol. II., pp. 318-323.

others pursued ; but as he may libel any day within four weeks, or any place within such a parish, or near to the said parish, for else conventicles may be held upon the confines of parishes, merely to disappoint his way of libelling. 2. When any person is convened upon a libel, that in that case, he be only examined upon his own guilt and accession ; seeing nothing can be referred to a defender's oath but what concerns himself during the dependence of a process. 3. That if any person who is cited be ready to depone, or pay his fines, he be not troubled with taking bonds, or other engagements ; seeing that the constant punishment of such as do transgress will supply the necessity of the bonds, and the law itself is the strongest bond that can be exacted of any man."[45] Those who were cited never appeared, as they knew that imprisonment in the Bass awaited them, where at this time all were sent who could be seized.

In August, the government emitted a proclamation against those who withdrew from public worship, and attended conventicles— "which we have so often declared to be the nurseries of schism, and the rendezvous of rebellion ; tending to detach our subjects from that reverence due to religion, and that obedience they owe to our authority." To this was annexed a bond for compelling the people to attend their own parish churches, under the penalties of the former acts.[46]

Mitchell, since his attempt on the life of the Primate, had been living in Edinburgh, where Sharp frequently saw him, and caused him to be apprehended in February, 1674. When brought before the Privy Council, he was promised a pardon if he would confess his guilt, whereupon he admitted having been in the rising of 1666, and his attempt on the life of the Primate ; but affirmed that no one else was connected with that deed. He was then remitted to the Court of Justiciary. When placed in the dock he denied everything, and as there was no evidence, the indictment was abandoned. He was returned to prison, and detained for two years. In January, 1676, he was again taken before the Council, and questioned whether he had been with the insurgents in 1666, and if he would acknowledge his former confession. Mitchell declined to criminate himself, and pled that when tried two years ago, the charge fell to the ground, that it was unjust to detain him in prison and insist that he should

[45] *Memoirs*, pp. 322-323 ; Wodrow's *Hist.*, Vol. II., pp. 346-347.
[46] Wodrow's *Hist.*, Vol. II., pp. 364-366.

accuse himself. It was then agreed to torture him; and his right leg was placed in the boot and frightfully mangled, still he refused to acknowledge his confession, or to tell anything. After undergoing extreme suffering he was removed to prison. The policy of the government had created a host of enemies; and as the ruling party knew that their power rested solely upon fear, the Council and the bishops were loth to let any victim escape. Mitchell was again brought before the court in January, 1678, upon an indictment charging him with attempting to murder the Primate. He was defended by Lockhart, one of the foremost advocates of the time, and Mr. John Ellis, who both pleaded at great length on behalf of the panel. Ellis argued against the relevancy of the libel on five formal points; and next pled ably that a confession obtained in such circumstances could not be allowed as evidence in a court of law. Lockhart then argued with force and clearness, that as the confession was emitted upon the promise of the Privy Council to save his life, it could not be used as evidence for condemning him to death. But Rothes, Lauderdale, the Primate, and other councillors, denied upon oath that such a promise was ever given to him: Lockhart produced a copy of the act of Council in which it was recorded, and craved that the register of the Council's acts should be produced, which the court refused; the act, however, was read, and Lockhart earnestly insisted for liberty to speak on it; but the court would not permit this. The jury found Mitchell guilty, and he was executed at the Grassmarket of Edinburgh on the 18th of January, 1678. Perhaps the lords had short memories, for the act containing the promise to Mitchell still remains in the register of the proceedings of the Privy Council.[47]

The government now determined to extinguish conventicles by treating the west, the south-west, and other parts of the country, as if it had been in a state of rebellion. Towards the end of January, 1678, an army of ten thousand men was mustered at Stirling, of whom six thousand were Highland clansmen. This force was spread over the regions where the nonconformists, or the Whigs, as they were called in the speech of the time, were most numerous, there to live at free quarters; while a committee of the Privy Council accompanied the host, armed with special information and ample powers for punishing notable offenders. They were empowered to

[47] *State Trials*, Vol. VI.; Wodrow's *Hist.*, Vol. II., pp. 454-473.

impose and exact such fines as they thought fit from all who refused to take the bond; and they were instructed to prosecute rigorously all who had been at field conventicles since the 1st of January 1677; while all persons who had been accessory to the building of meeting-houses, and also all landowners, and life-renters, who had connived at the erection of such houses, since the 24th March, 1674, were to be punished without mercy, and all the meeting-houses were to be razed to the ground. They were to prosecute all who had withdrawn from public worship in their own parishes, to disarm all persons, and to search for and seize arms and ammunition. The bond, tendered and backed by the presence of the army, was in the following terms:— "We ——— faithfully bind and oblige us, that we, our wives, children, and servants, respectively, shall not be present at any conventicles or disorderly meetings in time coming, but shall live in obedience to the law, under the penalties of the acts of parliament: also we bind and oblige us, that all our tenants and cottars, their wives, children, and servants, shall likewise abstain from these conventicles, and other illegal meetings, and live in obedience to the law: and farther, that we nor they shall reset, supply, or commune with forfeited persons, intercommuned ministers, or vagrant preachers; but shall do our utmost endeavour to apprehend their persons: and in case our tenants and cottars shall contravene, we shall take and apprehend every person guilty thereof, and present them to the judge ordinary, that they may be punished therefore, according to the acts of parliament; otherwise we shall remove them and their families off our ground; and if we fail therein, we shall be liable to such penalties as the said delinquents have incurred by law." The resistance to this form of oppression was almost universal; and even many of the landowners and small proprietors refused to sign the bond; in Lanarkshire only twenty out of three thousand householders subscribed the bond, and it was reported that those who did sign it suffered as much as those who refused, as the soldiers and Highlanders sent to execute the law spared no one, and acted without distinction of persons. The Highlanders were sent home in the end of February; and on the 24th of April the remainder of the army was disbanded, save a garrison left in Ayr. "When this goodly army returned homewards, you would have thought by their baggage that they had been at the sack of a besieged city; and therefore, when they passed Stirling Bridge, every man drew his sword, to show the world that they had returned conquerors from the enemy's land, but they might

as well have shown the pots, pans, girdles, and other household furniture with which they were loaded; and among them all, none purchased so well as the two Earls of Airly and Strathmore, chiefly the last, who sent home the money, not in purses, but in bags and great quantities. Yet under all this oppression the poor people bore all; only in Kampsey there was one of the plunderers killed by a countryman, who yet escaped punishment." [48]

The government was disappointed that the Highland army had effected so little; and therefore more force was to be employed. A Convention of Estates was summoned to grant money, which met at Edinburgh in the end of June, 1678. It passed an act authorising a sum of eighteen hundred thousand pounds Scots to be raised by a tax spread over five years, to enable the King to maintain more forces to uphold the orthodox clergy, extinguish conventicles, and crush the people. This act was extremely obnoxious to the presbyterians, but all were obliged to pay the tax under severe penalties.[49]

By the end of the year a considerable army was stationed, chiefly in the western and southern counties. In the beginning of 1679, detachments of troops were ordered to move up and down the country, to harass all who did not conform to episcopacy, and to collect the tax, which many of the people would not pay till they were compelled. The soldiers were commanded to search out and to pursue all who attended field meetings, to kill all who resisted them, to imprison and deliver to the magistrates, or send to the Council, all whom they apprehended.[50]

This year, in the end of February, the government added a number of new commissioners to assist those appointed in August, 1677; their special work being the suppression of all schism and opposition to the Established Church, and all seditious meetings. Among other instructions touching the execution of their task, and to interest and encourage them in it, they were authorised "to apply the one-half of the fines of all the landed men and women, and their children, who lived within the bounds of their commission, to their own use, and such as they should employ." This was sure to make the commissioners earnest in their work. The King also issued an order

[48] Wodrow's *Hist.*, Vol. II., pp. 378-454. Kirkton's *Hist.*, pp. 390-391. It has often been noticed that none of the Whigs lost their life by the hands of this Highland host, as it was called.

[49] *Acts Parl. Scot.*, Vol. VIII., pp. 213-229; Kirkton's *Hist.*, pp. 393-396.

[50] Wodrow's *Hist.*, Vol. II., pp. 492-495; Vol. III., pp. 11-17.

authorising the sheriffs in the south and west of the kingdom to recognise, and act with, a number of special sheriff-deputes nominated by the King himself, expressly to try and judge persons accused of attending conventicles, of withdrawing from the worship of the parish churches, or of irregular baptisms and marriages.[51] That men thus invested with judicial powers should sometimes act with an imperious hand was certain; and when William Carmichael, an ex-bailie of Edinburgh, was raised by the King to the dignity of a special sheriff in the county of Fife, of course he exerted himself to the utmost to show that he was worthy of his post.

This man, who had been treating those who attended field meetings in Fife with great severity, a few bold men resolved to frighten and punish. On the 3rd of May, 1679, under Hackston of Rathillet and John Balfour, they attempted to waylay him among the hills above Cupar, where they expected him to be hunting. They searched for him from early morning to past midday without success; but just when they were about to disperse, they were told that the Primate was in the neighbourhood, and would pass along the road in his carriage. They then bethought that if the subordinate had escaped, Providence had placed their great enemy within their grasp, and they determined to murder him. The Archbishop's coach was driving along Magus Moor, about two miles from his own city, and the party instantly pursued it. Sharp cried to the coachman to drive hard; the pursuers fired several shots, overtook the coach, cut the traces, disarmed and dismounted his attendants, and commanded Sharp to come forth, that they might not injure his daughter, who was with him in the coach. As he refused to move, they fired into the coach; but he still clung to his daughter, who was screaming with terror. Then they dragged him out, and he fell on his knees, and in piteous tones implored them to spare his life, promising them forgiveness—anything, if they would only show mercy: but they reminded him that he had imbrued his hands in the blood of many innocent people for a period of eighteen years, and that now he must die. A volley of shot was discharged at him, and his death was completed with their swords. The assassins, after rifling the coach and the Bishop's clothes, remounted their horses and rode off, leaving the Primate's daughter lamenting over his mangled body on the moor.[52]

[51] Wodrow's *Hist.*, Vol. III., pp. 17-21, 41.

[52] Kirkton's *Hist.*, pp. 403-421; Wodrow's *Hist.*, Vol. III., pp. 41-51.

There were a few persons in Scotland who approved of this foul deed, but the majority of the people regarded it as an atrocious murder. There were not many, however, who greatly lamented the fate of Sharp, and long afterwards some people thought that he deserved his cruel end. Assassination and murder cannot be justified under any circumstances, and must in all cases be emphatically condemned.

The murder of Sharp afforded the government a fresh excuse for greater severities against the nonconformists and all who attended field meetings. A reward was offered for the apprehension of the murderers, but they had fled to the west, where they were joined by others, and prepared to resist the authorities. The Privy Council immediately emitted proclamations against armed conventicles; but the people of the west were past the stage of being deterred by proclamation, as they were ripe for insurrection. A few of the most determined agreed to give what they called "a public testimony against the government," and arranged to meet on the 29th of May, the anniversary of the Restoration. A party of eighty armed men marched into the burgh of Rutherglen, extinguished the bonfires, blazing in honour of the day, burned the Rescissory Act, and the acts establishing episcopacy, and then read their declaration and affixed it upon the market cross. In this manifesto they gave their testimony—"1. Against the Rescissory Act, for overthrowing the whole Covenanted Reformation. 2. Against the acts for erecting and establishing of abjured prelacy. 3. Against that declaration imposed upon, and subscribed by, all persons in public trust, wherein the Covenants are renounced and condemned. 4. Against the Act and Declaration, published at Glasgow, for ejecting of the faithful ministers who could not comply with prelacy, whereby three hundred and upwards of them were illegally ejected. 5. Against that presumptuous act for imposing an holy anniversary day, as they call it, to be kept yearly on the 29th of May, as a day of rejoicing and thanksgiving for the King's birth and restoration, whereby the appointers intruded upon the Lord's prerogative, and the observers have given the glory to the creature that is due to our Lord and Redeemer, and rejoiced over the setting up of the usurping power, to the destroying of the interest of Christ in the land. 6. Against the Explicatory Act of 1669, and the sacrilegious supremacy enacted and established thereby."[53] It may be observed that there is truth

[53] Wodrow's *Hist.*, Vol. III., pp. 52-59, 66-67.

and force in this manifesto, especially as to the act of supremacy and the anniversary of the Restoration.

A field meeting was to be held at Loudon Hill, in Clydesdale, on Sunday the 7th of June, 1679. Captain Graham of Claverhouse was then at Glasgow, and hearing of their design, he resolved to disperse the meeting. The services of the day were begun, when the watch gave the alarm that a body of troopers was approaching, and shortly Graham's dragoons appeared on the rising ground. At this meeting of the Covenanters there were some men, such as Hackston, Balfour, and William Cleland, who possessed marked fighting abilities; and the assemblage determined on battle. After sending the women and children to the rear, the fighting men advanced to a swampy piece of ground and took up their position. A sharp but short skirmish ensued, Graham being completely defeated, and upwards of twenty of his troopers slain. The event is known in history as the battle of Drumclog. Encouraged by this success, they marched the following day upon Glasgow, but were unable to take it, and retired towards Hamilton, where they formed a camp. The outbreak threatened to assume serious proportions, as many from Ayrshire, Galloway, and other parts of the country joined them, and in a few days four thousand men were assembled. They had been driven to desperation. The extreme party of the government had at last produced what they probably desired—a general insurrection, which gave them an opportunity of insisting on the utmost extremity of persecution against the presbyterians. The government quickly prepared to meet the emergency. Intelligence of every movement of the rebels was promptly sent to London; and it was deemed necessary to commission the Duke of Monmouth, the King's natural son, to command the royal army and suppress the rebellion.[54]

The Duke arrived at Edinburgh on the 18th of June, 1679, and immediately placed himself at the head of the army. He marched westward on the 21st, and came within sight of the insurgents, lying on Hamilton Moor. The insurgents, however, were divided among themselves. There was bitter dissension concerning the indulgence; some proposing to hold a fast day to mourn for their sins, but on this all could not agree; while others were for recognising the King according to the Covenant, and others insisted on renouncing him. There was little discipline amongst them, and no united front was presented,

[54] Wodrow's *Hist.*, Vol. III., pp. 68-99.

when, on the 22nd of June, the royal army appeared on the opposite side of the Clyde. After much debate it was agreed to petition the Duke for terms of peace; but they found that his instructions demanded their immediate and unconditional surrender. These tidings increased the confusion amongst them; Hamilton, who had assumed the command, was opposed to any proposal of peace with an uncovenanted King; others were inclined to yield; but they came to no final resolution, and returned no answer to the Duke. The royal army, therefore, advanced to the attack, and the presbyterians were utterly defeated. Many were slain in the flight, and more than a thousand taken prisoners. The insurgent army being badly led, suffered severely.[55]

The following day the prisoners, tied two and two were driven into Edinburgh, and placed in the Greyfriars Churchyard, where they were kept in the open air for several weeks. Two of the ministers were hanged at the Grassmarket; and five of the other prisoners were executed on Magus Moor, on the 18th of November, as an atonement for the murder of the Primate. Those of the prisoners who acknowledged that the rising was a rebellion, and signed a bond promising to keep the peace and not rise again against the King's authority, were liberated; but upwards of two hundred, who refused to sign the bond, were crammed into a ship and transported to Barbadoes, to be sold as slaves in the plantations.[56]

Many others suffered severely for being at Bothwell Bridge, or otherwise implicated in the rising. For about two months after this event, the soldiers committed many outrages upon the people, and sometimes upon innocent individuals and families.

In August an indemnity was offered to all who had been in the rebellions of 1666 and 1679, upon condition of promising not to rise again in arms against his Majesty's authority, and of ceasing from attending field meetings in the future. In July, an act was published by the authority of the King, permitting the presbyterian ministers not yet indulged to preach and administer the communion, if they refrained from holding field meetings. This indulgence, however, was soon withdrawn: and it appears that many failed to take advantage of it from principle and conviction, and some from other reasons.[57]

[55] Kirkton's *Hist.*, pp. 461-472; Wodrow's *Hist.*, Vol. III., pp. 99-111.
[56] *Proceedings of the Privy Council;* Wodrow's *Hist.*, Vol. III., pp. 123-140.
[57] Wodrow's *Hist.*, Vol. III., pp. 111-122, 140-146, 147-157.

The difference between the two parties of the presbyterians had become more marked. Some of the extreme party had always protested against the indulgence; and they now took up a position apart from those of more moderate views, and unhesitatingly proclaimed and carried out their own principles. Donald Cargill was their first leader, and after him Richard Cameron and James Renwick may be mentioned as the heads of the party. This body was variously designated in the records of the time, as The Wild Whigs, The Wanderers, The Faithful Remnant, Covenanters, The Hillmen, The Cameronians, Macmillanites, and in later times Reformed Presbyterians, and other names. They were a bold, uncompromising, and determined class of men, who clung consistently and bravely to their creed and to their principles. They were not merely content to resist some of the measures of the government, they adopted a bolder line of action. They treated the offer of indulgence with scorn; they refused to pay taxes; and at last they renounced their allegiance to a King, who had utterly broken his Covenant engagements, and, by his tyrannical government, had forfeited his right to the throne; and therefore, they declared war against him and his government, They declined to hold communion with the moderate presbyterians. and formed themselves into a number of societies, and calling themselves The Society People. They exhibited much capacity for business and organisation; and they may be truly described as the party of honesty and vigour in the nation, amid the wreck of character, of time-serving, and of corruption, which then prevailed.

The government continued the persecution of those who attended field meetings and absented themselves from the parish churches. On the 22nd of June, 1680, about twenty of the Whigs, headed by Cameron and Cargill, marched into the town of Sanquhar with drawn swords, halted at the market cross, and read and then posted up a declaration, in which they disowned Charles Stuart, because of his tyranny and his perjury—"For which reasons, we declare, that several years since he should have been denuded of being king, ruler, or magistrate, or of having any power to act or to be obeyed as such. As also, we being under the standard of our Lord Jesus Christ, Captain of Salvation, do declare a war with such a tyrant and usurper, and all the men of his practices, as enemies to our Lord Jesus Christ, and his cause and covenants, and against all such as have strengthened him, sided with him, or any way acknowledged him in his tyranny, civil or ecclesiastical—yea, against all such as shall strengthen, side

with, or any way acknowledge any other in the like usurpation and tyranny, far more against such as would betray or deliver our free reformed mother Church into bondage. . . . As also, we disown, and by this resent the reception of the Duke of York, that professed papist, as repugnant to our principles and vows to the most high God, and as that which is the great, though not the only, just reproach of our Church and nation. We also by this protest against his succession to the throne; and in whatever has been done, or any one essaying to do in this land, given to the Lord, in prejudice of our work of reformation. And to conclude, we hope after this none will blame us for, or be offended at, our rewarding those that are against us, as they have done to us, as the Lord gives opportunity."[58]

This renunciation called forth a royal proclamation, offering large rewards for the apprehension of Richard Cameron, his brother, Cargill, and Thomas Douglas, dead or alive. The army harassed all nonconformists throughout the country, and inflicted great suffering upon many besides those who had joined the Society People. On the 20th of July, 1680, a company of about sixty of the Society People, or Cameronians, was surprised by an overwhelming number of the royal army at Ayrsmoss, in the parish of Auchinleck. They fought bravely, but they were all cut down, wounded, or taken on the spot; Richard Cameron himself, his brother, and others were slain. But Hackston of Rathillet, who had acted as the leader in the scuffle, was conveyed to Edinburgh a prisoner, with the head of Richard Cameron carried in triumph before him. Shortly afterwards Hackston and other prisoners were sentenced to death; and the execution of Hackston, by the instructions of the Privy Council, was carried out in a most shocking and cruel way.[59]

The remnant of the Whigs, though savagely persecuted, still stood firm, unshaken and untouched in their faith and in their principles. In September, 1680, they held a great meeting with Cargill, their minister, at the Torwood in Stirlingshire. He delivered one of his stirring sermons to an eager assemblage of listeners; and then excommunicated the King, the Duke of York, the Duke of Lauderdale, General Dalziel, the Earl of Rothes, the Duke of Monmouth, and the

[58] Given at Sanquhar, June 22nd, 1680.

[59] *Records of the Privy Council*, 1680; Wodrow's *Hist.*, Vol. III., pp. 215-223. Hackston himself gives an account of the affair at Ayrsmoss, which is printed in *Wodrow*, Vol. III., p. 219.

Lord-Advocate, for their breach of the Covenant and their persecution of God's people. It should be observed that the main body of the presbyterians had no concern in these proceedings; as they disapproved of the extreme steps taken by this party. The government exerted itself more than ever to suppress field meetings, and to get hold of the daring preacher Cargill. On the 5th of May, 1681, Cargill held a fast near Loudon Hill, and escaped at that time. But in July he was taken and conveyed to Glasgow by a party of soldiers; thence he was carried to Edinburgh. He was then brought before the Council and interrogated at length. He denied that the rising at Bothwell Bridge was a rebellion against the King; as he deemed it right to rebel in cases of necessity; those who rose at Bothwell were oppressed, and therefore rose in their own defence. Interrogated touching the King, he said that he was not obliged to obey his government, as it was then established by the act of supremacy; when asked if he owned the excommunication of the King, he refused to answer. He was tried before the Court of Justiciary on the 26th of July, condemned, and sentenced to be executed the following day. He was hanged along with other four Covenanters, all of whom left their testimony behind them.[60]

In the end of October, 1680, the Duke of York arrived in Scotland, and was warmly welcomed by the orthodox clergy. During the few months of his sojourn in Scotland before, the Privy Council were so much impressed with his goodness, that they gave him an exceedingly high character to his royal brother, on the occasion of his leaving for England, of which the following is a specimen:—"The remembrance of having been under the protection of your royal family above two thousand years, of having been preserved, by their valour, from the slavery to which others were so often reduced, and of having received from their bounty the lands which we possess, has been very much refreshed and renewed by having your royal brother among us, in whom we have seen the moderation of spirit and equality of justice that is remarkable in your sacred race, and has raised in us a just abhorrence of those seditious persons and pernicious principles which would lead us back to those dreadful confusions which grew up by degrees, from tumultuary petitioners for reformation and parliaments, to a rebellion that in the last age destroyed both, and which

[60] *Records of the Privy Council;* Wodrow's *Hist.*, Vol. III., pp. 278-284; *The Cloud of Witnesses.*

must do so still, since all who think that subjects should direct their king, design nothing, in effect, but to be kings themselves: the convictions of all which did prevail so far with all degrees of persons, and with persons of all persuasions here, that it has been observed our nobility and gentry of both sexes attended their royal highnesses with much joy and assiduity, expressed in all their confluences great respect and satisfaction, that even the most malicious abstained from all manner of rebellious risings and undutiful speeches: no breach of the peace, no libel, no pasquil, having been ever discovered during his abode here; so that this too short time has been the most peaceful and serene part of our life, and the happiest days we ever saw, except your Majesty's miraculous restoration."[61]

All had not so high an opinion of the Duke as the members of the Privy Council. He desired to strengthen his prospective claim and title to the throne; and, as it was thought that the Estates would oblige him, and do what they were ordered, a parliament was summoned, which met at Edinburgh in the end of July, 1681, and when the Duke of York assumed his place as royal Commissioner. After disposing of various preliminary matters, on the 13th of August, an act touching the right of succession to the imperial Crown of Scotland was passed. This act repeated the assertion "that the kings of the realm derived their royal power from God alone," and succeeded to it by lineal descent, which could not be altered without involving the nation in perjury and rebellion. That no difference in religion, nor law, nor act of parliament, could divert the right of succession of the Crown from the nearest heir; and that all who contradicted or in any way opposed this, should incur the penalties of high treason. Another act imposed new and more severe penalties on all who attended conventicles. It authorised the proprietors of land to turn any of their tenants or cottars out of their holdings without warning, and at any time of the year, if they were implicated in field conventicles. The landlords were also enjoined to retain as much of the goods and stock of their tenants, cottars, or servants, as would pay the fines and penalties incurred by them under the acts of parliament. The Test Act, which was re-enacted and passed on the last day of August, caused much stir. It provided that all persons in public office, from the highest to the humblest, should swear that they sincerely professed the true Protestant religion, as contained in the

[61] Wodrow's *Hist.*, Vol. III., pp. 23, 3-234; Fountainhall's *Notes*, p. 3.

Confession of Faith, recorded in the first parliament of James VI., 1568; and that they believed the same to be founded on the written word of God; and to swear that the King's power was supreme in all cases and over all persons, that they would maintain and defend this to the utmost of their power; and solemnly swear that it was unlawful on any pretence to enter into covenants, to hold meetings, or to treat of and discuss government, without the King's licence. A part of the Test Act may be quoted:—"I further affirm and swear by this my solemn oath, that I judge it unlawful for subjects, upon pretence of reformation or any pretence whatever, to enter into covenants or leagues, or to assemble in any meeting to treat, consult, or determine, in any matter of State whatever, without his Majesty's special command or express licence; or to take up arms against the King or those commissioned by him; and that I shall never so rise in arms, or enter into such covenants or assemblies; and that there lies no obligation on me from the National Covenant, or Solemn League and Covenant, or in any other way whatever, to endeavour to change or alter the government, either in Church or State, as it is now established by the laws of the kingdom. And I promise and swear that I shall to the utmost of my power defend, assist, and maintain his Majesty's jurisdiction against all deadly: and I shall never decline his Majesty's power and jurisdiction, as I shall answer to God. Finally, I affirm and swear, that this my solemn oath is given in the plain genuine sense and meaning of the words, without any equivocation, mental reservation, or any kind of evasion whatever; and that I shall not accept or use dispensation from any creature whatsoever. So help me God."[62] The act was hurried through parliament, and it contained such a jumble of inconsistencies that some declined to sign it. Some of the clergy refused to take the test, and left their parishes; and others only took it with limitations and explanations. The Earl of Argyle took it in so far as it was consistent with itself: and stated that he could not bind himself from doing what he deemed requisite and consistent with the Protestant religion, and the duty of a loyal subject. For this he was charged with high treason, on the ground of giving the act a different meaning from what parliament intended it to bear. Argyle was tried and convicted, but he escaped from the Castle of Edinburgh on the 20th of December, 1681, and fled to Holland. On the 23rd of December,

[62] *Acts Parl. Scot.*, Vol. VIII., pp. 231-245.

1682, sentence of death was pronounced against him, and his coat of arms was defaced. [63]

In the beginning of the year 1682, a party of the Society People entered the town of Lanark, and published a declaration of their principles, and then burned the Succession and Test Acts. They styled themselves in this declaration, "the Presbyterians of the Church of Scotland." Two days after, the Privy Council ordered the Solemn League and Covenant, and the declarations published at Rutherglen, Sanquhar, and Lanark, to be burned by the common hangman at the Cross of Edinburgh, and the magistrates in their robes attended to see this executed. Thus the government and the Society men imitated each other in their modes of manifesting their contempt.

Throughout the years of 1682 and 1683 the troops continued to harass the people; and as they were invested with irresponsible powers, they caused terror in many a quiet home. They pillaged farm-houses, exacted free quarters, levied enormous fines, and seized the refractory as prisoners. Amid these wretched scenes the worst passions of the human breast were called into action, and fed and intensified; for the soldiers wallowed in deeds of heartless cruelty and revenge; numbers of the Society People were shot down without trial or process; and the nation groaned under the yoke of dire oppression. But in spite of all the suffering which the government inflicted on the Society men, they still stood to their principles; and in October, 1684, they issued a declaration directed especially against informers. In this they affirmed their adherence to their former declarations, disowning the authority of the King, and declaring war against him and all his accomplices; but at the same time they stated—"that as we utterly detest and abhor that hellish principle of killing all who differ in judgment and in persuasion from us, so we look upon it as a duty binding upon us to publish openly to the world, that forasmuch as we are firmly and really resolved not to

[63] Fountainhall's *Notes*, p. 20; Burnet's *History of His Own Time*, Vol. II., pp. 309-314. The Duke of York was blamed for encouraging the proceedings against Argyle. "The Duke seeing how great a man the Earl of Argyle was in Scotland, concluded it was necessary for him either to be gained or to ruin him. Argyle gave him all possible assurance that he would adhere to his interest in everything except in the matter of religion. . . . This was well enough taken in show, but Argyle said he observed ever after such a visible coldness and distrust that he saw what he might expect from him."—*Burnet*, p. 295.

injure or offend any one, but to pursue the ends of our covenants, in standing to our religious work of reformation, and of our lives; yet we do hereby declare to all, that whosoever stretches forth their hands against us, while we are maintaining the cause and interest of Christ against the enemies, in the defence of our covenanted Reformation, by shedding our blood actually, either by authoritative commanding, such as councillors, and especially the so-called Justiciary, generals of forces, adjutants, captains, and all in civil and military power, who make it their work to imbue their hands in our blood, or by obeying such commands—such as bloody militiamen, malicious troopers, soldiers, and dragoons; likewise, such gentlemen and commons who, through wickedness and ill-will, ride and run with the foresaid persons, to lay search for us, or who deliver any of us into their hands, to the spilling of our blood, enticing morally, or stirring up enemies to the taking away of our lives, such as purposely advise, counsel, and encourage them to proceed against us to our utter extirpation, by informing against us wickedly, wittingly, and willingly, such as malicious bishops and curates, and all sorts of informers, who lay themselves out for the effusion of our blood, together with all who in obedience to the commands of the enemies, at the sight of us raise the hue and cry after us. . . . Finally. . . . Call to your remembrance, that all that is in peril is not lost, and all that is delayed is not forgiven. Therefore expect to be dealt with as ye deal with us, so far as our power can reach." [64]

After what had been done in Scotland since the Reformation, after what the people had suffered at the hands of their government, who can affirm that the Society men were not in some degree excusable in taking the course which they did? Whether was it best for the interest of peace and civilisation that an absolute king should reign in undisputed power over all in the Island, or that a measure of liberty and freedom of opinion should be allowed to the people? This in one form or another had become the problem which then filled all thoughtful minds in both divisions of the Island, and was hastening on the crisis which drove the ancient line of kings from the throne of their ancestors.

Though the policy of the government had really driven these bodies into an attitude of defence, yet it seized upon their declaration as a good pretext for crushing them as the enemies of order and peace.

[64] Wodrow's *Hist.*, Vol. IV., pp. 147-149.

Immediate steps were taken, and a series of acts were passed against the enemies of the government, including the abjuration oath, an engine of the most cruel persecution. All the men and women past the age of sixteen in the southern and western counties were commanded to take this oath—"I —— do hereby abhor, renounce, and disown, in the presence of the Almighty God, the pretended declaration of war, lately affixed at several parish churches, in so far as it declares a war against his sacred Majesty, and asserts that it is lawful to kill such as serve his Majesty, in church, state, army, or country." All who refused to take this oath were to be put to death, whether in arms or not; and no one was permitted to travel through the country without a certificate that they had taken it in the presence of the commissioners authorised to tender it. "And for further security and prevention of fraud, it is hereby required that the users and havers of the foresaid certificate shall be holden and obliged to swear that these are true and unforged certificates, and that they are the persons mentioned and expressed in them, if the same shall be required of them. Finally, for the encouragement of such as shall discover any of the said traitors and assassins, or any who have been accessory to this traitorous and damnable paper, or to the publishing and spreading of the same, or to have been a member of the said pretended societies and fellowships: we hereby declare and insure them, and every one of them, who shall discover any of these assassins and murderers, or pretended members, a reward of the sum of five thousand merks Scots for each of them, who shall be discovered, so as to be apprehended, and be found guilty." The instructions to the commissioners to examine all the inhabitants on oath concerning the declaration of the Society men, and the matters touching their suppression, were very minute, and must have greatly harassed the people.[65]

The following is part of the commissioners' instructions:—"2. If any person own the principles, or do not disown them, they must be judged at least by three. And you must immediately give them a libel and the names of the inquest and witnesses, and they being found guilty, are to be hanged immediately in the place according to the law. But at this time you are not to examine any women, but such as have been active in the said courses in signal manner, and these are to be drowned. 3. You are to proceed against the absent men, not by denouncing them rebels, but by holding them as con-

[65] Wodrow's *Hist.*, Vol. IV., pp. 150-160.

fessed, upon a pecuniary mulct; and they being thereupon discerned, conform to the King's letter, their moveable goods are to be inventured and sequestrated. 5. You must likewise proceed against proprietors guilty of church disorders since their former fining. And if they have not been adequately fined, you may proceed against them for the surplus. . . . 7. If you find probation against proprietors not yet debited, you may take them before you, both as to the late rebellion and late conspiracy. 8. You are likewise to cause the whole packmen, cadgers, and drovers, within the bounds of your shire, find caution not to carry letters or intelligence to the rebels, or to sell to them or give them ammunition, or supply them in any other manner.[66]

The year 1685 opened in Scotland amid gloom and persecution. No one was safe from the violence of the army; many were shot on the highways, in the fields and mountains, and at their own doors. The reign of Charles II. closed on the 6th of February, amidst a scene of oppression, suffering, and corruption, unmatched in the worst times of the nation's history.[67]

The Duke of York now ascended the throne, and on the 10th of February, a royal proclamation was read at the Cross of Edinburgh, announcing his accession to the Scots, as "the only, the undoubted, and lawful King of the realm." In this singular proclamation the supreme authority of the King was fully acknowledged, and the Privy Council, and other barons with uplifted hands swore, "Humbly to obey, dutifully and faithfully to serve, maintain and defend him, with our lives and fortunes, against all deadly, as our only righteous King and Sovereign, over all persons, and in all cases, as holding his imperial Crown from God alone." James dispensed with the coronation oath, lest it should seem that he in any way derived his right and power from the people, and the dominant party humoured him in all points.[68]

[66] *Ibid.*, pp. 164-165.

[67] Fountainhall's *Notes*, pp. 19-122; Wodrow's *Hist.*, Vol. IV., pp. 182-199.

[68] *Records of the Privy Council.* Touching the proclamation of the King, Fountainhall says:—"See it in print, entitled a proclamation of the sovereign authority, and not a proclamation of him, lest that should seem to import that the people had any hand in giving him his power. The English proclamation reserved power to him to consider the bygone errors and misgovernments, that he might redress them. The Castle shot many guns, Mr. John Robertson preached a sermon, and the Privy Council called for the seals, and broke them. The Council sent Lord Drumlanrig, the treasurer's son, who after proved a vile traitor, and the clergy Dr. Law, to condole the King's death, and congratulate the present King's accession to the Crown" (p. 123).

One of the peculiarities of the English Crown after the Reformation was its assumption of the powers of the papacy. Such was its position when the Stuarts succeeded to the throne. The notions of their divine right, royal prerogative, and supremacy was enlarged and confirmed; and they claimed the sole right to command, the simple duty of every subject being to obey their divinely-appointed and anointed head. These claims of the Crown were at the root of the struggles from the accession of James VI. to the period now under review. It was reserved for the man who had just succeeded to the throne of three kingdoms to give the culminating touch to the idea of the "divine right of Kings." He was suffered to play his tune for a few years, until he lost the confidence of the English nation, and, finding the influences of the revolutionary movement too strong for him, he was forced to flee for refuge to the representative of that system against which the English and the Scots were contending. Then he was made to feel that his ideas were not in accordance with the national sentiment of the people, or with their best and highest aspirations.

The persecution of the Society People and of the Presbyterians still continued under the new reign. Parliament met at Edinburgh on the 23rd of April, 1685, and directly proceeded to legislate in accordance with the views of the new King. The Duke of Queensberry was royal commissioner, and opened the proceedings by reading the King's letter, which he supported by a speech of his own, making the following reference to the nonconformists and the Society People—"My lords, his Majesty certainly expects from the prudence and loyalty of this parliament, that effectual means will be fallen upon for destroying that desperate, fanatical, and irreclaimable party, who have brought us to the brink of ruin and disgrace, and are no more rebels against the King than enemies of mankind, wretches of such monstrous principles and practices as past ages never heard, nor those to come will hardly believe: what indemnities and acts of grace and clemency have they not contemned? and all the use they made of them has still been to harden and confirm them in their execrable villanies; and how inconsiderable soever they appear, assure yourselves they ought not absolutely to be contemned, for if they had not support and correspondence not yet discovered, it is not to be supposed that they could have so long escaped the care and vigilance of the government: it therefore concerns you both in honour and prudence, no longer to dally with them, but that the utmost

severities be most effectively applied, and always taken to find out their favourers, and retired and secret haunts." The Lord Chancellor, the Earl of Rothes, also spoke and described the enemies of the government in these words :—"We have a new sect sprung up amongst us from the dunghill, the very dregs of the people, who filled by pretended inspiration, and instead of the temple of the Lord, have nothing in their mouths but the Word of God, wresting that blessed conveyance of His holy will to us, to justify a practice suggested to them by him who was a murderer from the beginning, who, having modelled themselves into a commonwealth, whose idol is that accursed paper, the Covenant, and whose only rule is to have none at all, have proceeded to declare themselves no longer his Majesty's subjects, to forfeit all of us, who have the honour to serve him in any considerable station. . . . It is how to rid ourselves of these men, and of all who incline to their principles, that we are to offer to his Majesty our advice, and concurrence, and utmost assistance." After more reproaches in a similar strain, let us hear what he says about the character of the King, by contrast to the description of the Covenanters. "To encourage us to do all we can towards the service and the honour of our glorious monarch, let us consider him in all his personal advantages. Whether in what relates to war or peace, where has the world afforded such another? One whose natural endowments have been improved by his great experience at home and abroad, in armies and in courts, by the greatest trials of the most differing kinds, those of prosperity and success, and of adversity and opposition, of hazard and toil, and of authority and command. Did ever man show so exact an honesty in the strictest adhering to his word, such temperance and sobriety, so indefatigable a diligence in affairs, so undaunted a courage upon all occasions, and so unwearied a clemency towards the most obstinate and malicious offenders? Did ever hero complete the character so fully, in overcoming bravely, and showing gentleness to the vanquished? And I must say the triumphs of his patience are not his obscurest glories, nor is the forgiving of those whose virulent tongues would have tainted his fame, if their malice could have reached it, what is least to be admired in him; what reputation other princes have laboured for, at the vast expense of blood and treasure, and putting of a constant restraint upon themselves, sits so easily upon him, that what they would have he forces from the consciences of his very enemies by his merit, and it costs him no more than to be himself. But this

theme is not for me ; I do him wrong . . . I am detracting from him here, by giving him too low a character. I shall add that he gave to subjects the greatest example of loyalty and obedience when he was one himself ; and now he is an example to all kings in his love, in his clemency, and in his care towards his people. Let us give him the return of our love, our fidelity, and our obedience." [69]

The Estates, in an act offering their duty and obedience to the King, fully recognised his absolute power, and the antiquity of the nation. The nation, it was said, had continued for upwards of two thousand years in an unaltered form of monarchical government, under an uninterrupted line of one hundred and eleven kings, whose sacred authority and power had been signally owned and assisted by Almighty God ; and the kingdom protected from conquest, the laws vigorously executed, and the lives and the property of the subjects securely preserved. "These great blessings we owe in the first place to divine mercy, and in dependence upon that, to the sacred race of our glorious kings, and to the absolute authority wherewith they were invested by the first and fundamental law of our monarchy." It was only when a rebellious party invaded the absolute authority of the kings that the peace and prosperity of the kingdom was disturbed. "Therefore the Estates of parliament judge themselves obliged to declare, and they do declare, to the world, that they abhor and detest the authors and actors of all preceding rebellions against the sovereign, and also all principles and positions which are contrary or derogatory to the King's sacred, supreme, absolute power, and authority, which none, whether persons or collective bodies, can participate of, in any way, or upon any pretext, but in dependence on him and by commission from him. As their duty formerly did bind them to own and assert the just and legal succession of the sacred line as unalterable by any human jurisdiction, so now on this occasion, they for themselves and the whole nation represented by them, in most humble and dutiful manner, do renew the hearty and sincere offer of their lives and fortunes to assist, to support, to defend, and to maintain King James VII., their present glorious monarch, and his heirs and lawful successors in the possession of their crowns, sovereignty, prerogatives, authority, dignity, rights, and possessions, against all mortals ; therewithal to assure all his

[69] *Acts Parl. Scot.*, Vol. VIII., pp. 451-456 ; Wodrow's *Hist.*, Vol. IV., pp. 259-263.

enemies, who shall adventure on the disloyalty of disobeying his laws, or on the impiety of invading his rights, that these shall sooner weary of their wickedness, than they of their duty, being firmly resolved to give their entire obedience to his Majesty without reserve, against all his enemies." As tangible evidence of their desire to serve the King, they annexed the inland excise to the Crown for ever; and then passed a series of acts against the Covenanters and all the enemies of the government.[70]

Two acts were passed to facilitate processes of treason, in one of which it was stated that persons who refused to give evidence in cases of treason, conventicles, and church irregularities, should be liable to be punished as guilty of these crimes themselves. Another act declared that the giving or taking of the National Covenant, or the Solemn League and Covenant, defending or owning them as lawful, should involve the penalties of treason. It was farther enacted, that all who preached at conventicles and all who attended them, should be punished by death and confiscation of their goods. Husbands were made responsible for the attendance of their wives at church, and liable for their fines; while the Test Act was renewed with some additions.[71]

Before parliament rose, the Earl of Argyle had arrived in Scotland. He had entered into the plans of the exiles in Holland, and in concert with the Duke of Monmouth, concocted an invasion of Britain. But the attempt utterly failed. Argyle himself was captured on the 18th of June, and carried to Edinburgh; and the King and Council having determined to put him to death, according to the terms of his former sentence, he was beheaded on the 30th of June, 1685. The people expressed much sympathy for him, while many looked upon his execution as a murder. [72]

This unsuccessful attempt at rebellion only increased the number of sufferers. The prisons were crowded with people incarcerated for nonconformity and rebellion, and huddled together without distinction of sex, in a most wretched condition. In September, 1685, about one hundred of these prisoners were shipped for New Jersey. But on the passage fever broke out and when, after four months' sailing, they reached the New World, only forty of them were alive.

[70] *Acts Parl. Scot.*, Vol. VIII., pp. 459-460. [71] *Ibid.*, pp. 460-461, 471.

[72] Fountainhall's *Notes*, pp. 134, 137; Burnet's *History of His Own Time*, Vol. III., pp. 26-29.

Fortunately the magistrates of New Jersey declared that they were freemen; and so in a foreign land, they enjoyed that liberty and peace which had been ruthlessly denied to them at home.[73]

The King had already not only shown that he was a firm Roman Catholic himself, but also manifested an intention to favour all who professed that creed, and to turn England and Scotland back to the principles of Roman Catholicism. To appear consistent, he proposed that all should have liberty of conscience, and then expatiated on the blessing which would result from a universal toleration of religious opinions, hoping thereby to secure a better chance of promoting the cause of Catholicism, and of finally re-establishing it.

The Scottish parliament was opened at Edinburgh on the 29th day of April, 1686, the Earl of Moray, a recent convert to Catholicism, acting as royal commissioner. He placed the King's letter before the Estates, in which his Majesty stated what he desired them to pass into law. After a brief reference to matters of trade and commerce, and to acts of mercy to his enemies, the royal letter announced:— "We cannot be unmindful of others of our innocent subjects, those of the Roman Catholic religion, who have with the hazard of their lives and fortunes always assisted the Crown in the worst rebellions and usurpations, though they lay under discouragements hardly to be named: them we do heartily recommend to your care, to the end that, as they have given good experience of their true loyalty and peaceable behaviour, so by your assistance they may have the protection of our laws, and that security under our government which our other subjects have, not suffering them to lie under obligations which their religion cannot admit of. . . . So not only expecting your compliance with us, but that by the manner of it, you will show the world your readiness to meet our inclinations.' The Scotch parliament had indeed been servile for many years, but it seemed hardly prepared for this demand; so in answering the King's letter it proceeded, touching that part "relating to your subjects of the Roman Catholic religion, we shall in obedience to your Majesty's commands and with tenderness to their persons take the same into our serious and dutiful consideration, and go as great lengths therein as our consciences will allow, not doubting that your Majesty will be careful to secure the Protestant religion established by law." A bill was prepared, and passed the Lords of the Articles,

[73] Fountainhall's *Notes*, p. 144; Wodrow's *Hist.*, Vol. IV., pp. 331-336.

which proposed that the Roman Catholics should have the protection of the government and the laws, and be permitted to exercise their religion without incurring any punishment. The bill was debated in parliament, but it was not passed.[74]

When parliament had declined to do what the King desired, he thought that in virtue of his royal prerogative, he could do it himself. He accordingly commanded the Privy Council to authorise the Roman Catholics to exercise their religion, and to protect the chaplains and others whom he had placed in the chapel of Holyrood house. There was some opposition to this in the Council; but it was resolved that the King's authority was sufficient to suspend the penal laws; they held that he was accountable only to God, and therefore they must obey him.[75]

By the beginning of 1687 the persecution of the presbyterians was abated; though the laws for punishing the Society People were still in force. On the 13th of February, a royal proclamation was emitted at Edinburgh, in the following strain:—"We by our sovereign authority, prerogative royal, and absolute power, which all our subjects are to obey without reserve, do hereby give and grant our royal toleration to the several professors of the Christian religion after-named, under the conditions and limitations after-mentioned. In the first place, we allow and tolerate the moderate presbyterians to meet in their private houses, and there to hear all such ministers as either have or are willing to accept our indulgence only, and none other, and that there be not anything said or done contrary to the well and peace of our reign, seditious or treasonable, under the highest penalties which those crimes import; nor are they to build meeting-houses, but only to exercise in their private houses. Meantime it is our royal pleasure that field conventicles, and such as preach at them, or in any way assist or attend at them, shall be prosecuted according to the utmost severity of the laws against them, seeing, that from these rendezvouses of rebellion so much disorder has proceeded, and so much disturbance to the government. . . . In like manner, we do hereby tolerate Quakers to meet and exercise their own form of religion in any place appointed for them. And considering the severe and cruel laws made against Roman Catholics, therein called Papists, in the minority of our grandfather of glorious

[74] *Acts Parl. Scot.*, Vol. VIII., pp. 576-582; Fountainhall's *Notes*, pp. 171, 179. [75] Fountainhall's *Notes*, pp. 192-193.

memory, without his consent and contrary to the duty of good subjects, by his regents and other enemies to their lawful sovereign, our royal great-grandmother, Queen Mary of blessed and pious memory, wherein under the pretence of religion they clothed the worst of treasons, factions, and usurpations, not against the enemies of God but their own . . . we therefore, with advice and consent of our Privy Council, by our sovereign authority, royal prerogative, and absolute power, suspend, stop, and disable, all laws and acts of parliament, customs or constitutions, made against any of our Roman Catholic subjects in past times, to all intents making void all prohibitions therein mentioned or penalties therein ordered to be inflicted; so that they shall in all things be as free as any of our Protestant subjects, not only to exercise their religion, but also to enjoy all offices and other posts which we shall think fit to bestow upon them." The proclamation went on to abolish the oaths of allegiance and the test; and then announced "that it never was our principle, nor will we ever suffer violence to be offered to any man's conscience, nor will we use force against any man on account of his religion, or the Protestant religion." James now proceeded rapidly with his work. On the 5th of July, 1687, by his sovereign authority and absolute power, he suspended all the penal laws against nonconformity. This afforded relief to the presbyterians, many of whom were released from prison, and some of the ministers who had been banished, shortly after returned to Scotland. [76]

The King had played his game so far with such success, that a party of the presbyterian ministers and some of the citizens of Edinburgh forwarded an address thanking him for putting an end to their long sufferings for nonconformity. But the main body of the presbyterians easily saw through the motive and design of the King's policy of toleration; as his scheme of reconverting the people of Great Britain to Roman Catholicism was too palpable, and withal rather crude, to deceive many of them. James claimed and assumed the power, not merely of suspending laws, but also of repealing them; he was always proclaiming that by his absolute power he had suspended this law and that, and commanded something else to be put in their place. Being conceited and self-willed, he fancied himself to be above the laws and constitution of the kingdom; and when any refused to embrace his unlawful projects, he became indignant and threatening.

[76] Wodrow's *Hist.*, Vol. IV., pp. 417-427.

The Society People soon recognised the real meaning of the King's toleration. What right had he to forbid or to allow them to preach the gospel? They had a warrant from a higher Master, and therefore they continued their field meetings, scorning alike the King's claim of absolute power and his denunciations against them. But Renwick, their leader and preacher, was seized in the beginning of February, 1688, and executed at Edinburgh on the 17th of that month; his death being the last execution for religion in Scotland. [77]

The great crisis had been long preparing, and when it was seen to be nigh, great was the excitement in Scotland. As the convictions and sentiments of the people had been long repressed, the rebound threatened to be violent. The King had set up the Roman Catholic worship in the chapel of Holyrood, and schools were also opened there under the direction of Catholic priests. Although attempts were made to suppress the Prince of Orange's declaration, which was issued in the middle of October, 1688, its import soon became known in Scotland. All the forces in the kingdom had been summoned by the King to operate against the Dutch invaders, who had landed in England in the beginning of November. The Scottish bishops saw the dark clouds gathering; they met at Edinburgh on the 3rd of November, and in an humble letter to his sacred Majesty, prayed "that God in his mercy, who has so often preserved and delivered your Majesty, will still preserve and deliver you, by giving you the hearts of your subjects, and the necks of your enemies." [78]

Before the issue of the military operations in England was decided, disturbances arose in Edinburgh. The Roman Catholics were insulted on the streets; and placards were posted up threatening the ministers of the Crown. The Earl of Perth, the chancellor and head of the Privy Council, and an apostate, had been a servile tool

[77] Wodrow's *Hist.*, pp. 427-429; Burnet's *Hist. of His Own Time*, Vol. III., pp. 171-178.

[78] Burnet's *Hist. of His Own Time*, Vol. III., pp. 309-312; Wodrow's *Hist.*, Vol. IV., pp. 469-470. The Prince of Orange's Declaration to the people of Scotland is printed in Wodrow's *History*. The chief points adduced in it as reasons for William's interference were—that where the laws, the liberties, and the customs established by the lawful authority were openly transgressed and annulled, and especially when this was done with the aim of altering religion, the peace and the happiness of the kingdom could not be preserved; that the effects of arbitrary power and evil counsel were manifest in the wretched condition of the people of Scotland; that the fountain of justice had been excessively corrupted, and the poor people mercilessly punished.

to the King, and therefore an object of hatred; but now his courage failed him, and he fled to his own country residence. When at last it became clear that the King's cause was falling, crowds gathered on the streets of Edinburgh, loud shouts were raised for a free parliament, and the tumult increased; a few troops attempted to quell it, but were overpowered. On Sunday the 9th of December, 1688, a great number of students, apprentices, and others, appeared on the streets; and the provost having refused to deliver the keys of the ports, they threatened to burn his house. They then proceeded to the Market Cross, and proclaimed a reward of four hundred pounds sterling to any one who should seize the Earl of Perth and bring him there dead or alive.

The following day the Town Council issued a proclamation prohibiting tumults on the streets, which was torn to tatters as soon as it was read, and the officers and drummer prevented from going through the town. The mob then prepared to attack the chapel in the palace of Holyrood for the purpose of destroying the images. The attack was begun in the evening, and after some bloodshed, the soldiers who guarded the Abbey were overcome. The chapel was rifled, and the woodwork, the images, the library, and everything in the interior which could be readily removed, were taken out and burned. The next day the mob went through all the houses of the Catholics in the city, demanding their images, crosses, and books, and burned them on the streets. The Privy Council, too, had changed their attitude, even before the final flight of the King. On the 24th of December, they emitted a proclamation calling upon all the Protestants in the kingdom to put themselves in a position of defence, for securing their religion, their lives, their liberties, and their property: thus the Council easily came round to the popular side; while the body of the nation was already arrayed on the side of the Prince of Orange.[79]

All kinds of alarming rumours were rife. It was reported that an army of Irish Catholics was on the eve of landing on the coasts of Galloway, and some said it was landed. The people dreaded a massacre; for the Council had dissolved, the army had been marched into England, and there was an utter collapse of authority. The people of the western counties assembled in crowds, and proceeded to take the law into their own hands. They had naturally determined

[79] Wodrow's *Hist.*, Vol. IV., pp. 472-476.

to purge the Church, and the unhappy curates became their victims. They began their work on the 25th of December, 1688; but some of the episcopal clergy had saved themselves by flight, in other instances they were seized by bands of men and exhibited in mock processions, their gowns torn over their heads, and their prayer-books burned before their eyes; and finally, they were ordered to be gone and never to return to the parish. The rioters entered many of the manses, and having thrown the furniture out at the window, and turned the inmates out at the door, took possession of the keys. This work went on for several months, till almost every parish in the west and in the south of the kingdom was relieved of its episcopal incumbent. More than two hundred were thus removed from their parishes and livings. The curates were subjected by the mob to some rough usage, and though no life was taken, they were rendered homeless with their wives and families, and many of them reduced to beggary. But the violence of the Revolution, considering its antecedents, was not great; and the only surprise is, that after twenty-eight years of persecution and severe oppression, the people did not rise more violently against their enemies. Indeed, the more moderate Covenanters disapproved of these proceedings, and a general meeting of ministers and elders was called for the purpose of preventing such excesses. They agreed on a form of notice which in future was to be sent to every curate, ordering him to quit his parish peaceably, else he would be turned out by force.[80]

The presbyterian ministers held a general meeting at Edinburgh in January, 1689, and agreed on a well-considered address to the Prince of Orange. They thanked him for his exertions on behalf of the reformed religion, referred to the innumerable evils and suffering which the establishment of episcopacy had brought upon them and the nation, and humbly beseeched him to adopt measures to free them from the yoke of prelacy, and to restore the presbyterian polity as the most effectual remedy against slavery and the distractions of the nation.[81]

Some of the Scotch nobles were in London when the Prince of Orange reached it, and many others hastened there to offer him their

[80] Burnet's *Hist. of His Own Time*, Vol. III., p. 344; *An Account of the Present Persecution of the Church of Scotland, in several Letters*, 1690; *The Case of the Present Afflicted Clergy of Scotland Truly Represented*, 1690.

[81] Wodrow's *Hist.*, Vol. IV., pp. 481-482.

service. On the 7th of January, 1689, he requested them to meet him the next day at Whitehall. The meeting was led by the Duke of Hamilton, and consisted of about thirty lords and eighty gentlemen of note. The Prince desired them to deliberate, and to inform him in what way he could promote the peace and interest of their country, and then left them to form their own conclusion unrestrained by his presence. They debated three days. In the end they agreed to resolutions embodied in an address to the Prince, requesting him to call a Convention of the Estates at Edinburgh on the 14th of March, and meantime to take upon himself the administration of the kingdom. To these requests he at once acceded.[82]

Preparations for the Convention were immediately commenced, all parties being anxious to return members to decide the future position of the nation. The Roman Catholics were excluded from voting in the election of members. King William assumed the power to summon to the Convention several of the nobles, who had been deprived of their honours by sentences which public feeling condemned as unjust, dispensed with a number of other restrictions, and ordered that the members for the burghs should be elected by a poll of all the adult inhabitants. The Whigs secured a majority favourable to the Prince of Orange, though all the bishops, and some of the nobles, clung to the cause of the fugitive King. The latter party calculated on the support of the Duke of Gordon, who commanded the Castle of Edinburgh, and on Viscount Dundee, whose energy was well known and greatly feared, as they might attempt to intimidate, or to disperse the Convention. The other party mainly relied on the aid of the Cameronians from the west, if the necessity for real action arose.[83]

The Convention assembled at the appointed time. Nine of the bishops appeared as the representatives of the spiritual estate, forty-two peers, forty-nine members for the counties, and fifty for the burghs. The Bishop of Edinburgh opened the proceedings, and prayed that God would assist them and restore King James. The election of a president was next essayed. The supporters of James proposed the Marquis of Athole; the Whigs proposed the Duke of Hamilton, who was elected by a majority of forty. This indicated the drift of the Convention. About twenty of the minority then

[82] *Sixth Collection of State Papers*, 1689; Sir J. Mackintosh's *History of the Revolution in England in 1688*, pp. 574-576. [83] Balcarres' *Memoirs*.

deserted the cause of James, and joined the majority. On the 16th, a letter from the Prince of Orange was read, in which he expressed his desire that they would settle the religion and liberties of the nation upon just grounds, in harmony with the inclination of the people and of the public good. The Estates returned a thankful reply. The same day, after some debate, a letter from King James was read; but there was nothing in it to raise the hopes of his adherents. He offered a pardon to those who returned to their allegiance before the end of the month; while to others no mercy could be shown. His adherents in the Convention were mortified, while his enemies were vehement, and the sitting closed in great excitement.[84]

The citizens of Edinburgh were intensely agitated as well as the members of the Convention. The Whigs had summoned the Duke of Gordon to surrender the Castle, but he refused. He might at any moment open a canonade on the Parliament House or the citizens, as it was known that the Jacobites would not yield without a severe struggle, and might attempt some desperate move. Viscount Dundee and Sir George Mackenzie complained that their lives were in danger, alleging that the Cameronians had resolved to slay them, and they applied to the Duke of Hamilton for protection. When the Convention met on the 18th of March, tidings were brought into the House that Viscount Dundee was on the Stirling road with a troop of dragoons, and that he had been seen conferring with the Duke of Gordon at the Castle gate. This news threw the members into a state of violent alarm, and Hamilton, the president, started to his feet and cried :—"It is high time that we should look to ourselves. The enemies of our religion, and of our civil freedom, are mustering all around us; and we may well suspect that they have accomplices even here. Lock the doors. Lay the keys on the table. Let no one go out but those lords and gentlemen, whom we shall appoint to call the citizens to arms. There are some good men from the west in Edinburgh, men for whom I can answer." The majority of the members shouted assent, and what he proposed was immediately done. Leven went out and ordered the drums to be beat. The Covenanters promptly answered to the call, and mustered in such numbers as overawed all the Jacobites in Edinburgh. They protected the Convention till the

[84] *Acts Parl. Scot.*, Vol. IX., pp. 3-5, 6; Balcarres' *Memoirs*.

arrival of the Scotch regiments under the command of General Mackay.[85]

The members of the Convention now prepared to settle the prime point of the conflict. As usual, a committee was appointed to draft the acts; and the special task of framing a plan for settling the government was entrusted to eight peers, eight representatives of counties, and eight representatives of the burghs, the majority being Whigs. They proceeded to debate and frame the decisive resolution, which required some time for deliberate consideration. The resolution of the Convention finally assumed the following form :—"That James VII. was a professed papist, that he had assumed the royal power and acted as king without ever taking the oath required by law; and by the advice of evil and wicked councillors he had invaded the fundamental constitution of the kingdom, and altered it from a limited monarchy to an arbitrary and despotic power, and did exercise the same to the subversion of the Protestant religion, and the violation of the laws and the liberties of the kingdom, whereby he forfeited his right to the crown, and his throne has become vacant." This resolution was accompanied by another, which tendered the crown of Scotland to William and Mary. When the two resolutions were put to the vote, nine voted against them, namely, seven bishops, and other two members. Immediately after the vote of the Convention, the new sovereigns were proclaimed at the Cross of Edinburgh.[86] At the same time the Estates issued an order to the parish ministers to intimate from their pulpits the contents of the proclamation, and to pray for King William and Queen Mary, under the penalty of deprivation.

The Scotch Convention, like the English parliament, embodied a Claim of Right, to be presented along with the resolutions tendering the Crown to the new sovereigns. It was meant to be declaratory of the law as it then stood, and also, to state clearly what institutions and liberties the late kings had infringed. The chief points of this important document were these :—"That according to the laws of the kingdom no papist could ascend the throne. That all proclamations assuming an absolute power to suspend the laws were illegal. That the measures employed to establish popery, the imposing of bonds and oaths, and the exacting of money without the authority of parliament,

[85] Balcarres' *Memoirs*; *History of the late Revolution in Scotland*, 1690.
[86] *Acts Parl. Scot.*, Vol. IX., pp. 33, 38-39.

were contrary to law. That it was illegal to invest the officers of the army with judicial powers, to inflict death without trial, jury, or record; to exact exorbitant fines or bail; to imprison without expressing the reason, or to delay the trial; to prosecute and procure the forfeiture of persons by the straining of old and obsolete statutes; to nominate the magistrates and the common council of the burghs; to dictate the proceedings of courts of justice; to employ torture without evidence or in ordinary crimes; to garrison private houses, or to introduce an hostile army into the country to live at free quarters in a time of peace. That it was illegal to treat persons as guilty of treason for refusing to state their private sentiments touching the treasonable doctrines or actions of others. That prelacy and the superiority of any office in the Church above presbyters is, and has been, a great and insufferable grievance and trouble to this nation, and contrary to the inclination of the majority of the people, ever since the Reformation, when they were reformed from popery to presbytery; and therefore prelacy ought to be abolished. The rights of appeal to parliament, and of petition to the throne, were asserted; frequent meetings of parliament were demanded; and all the preceding points were declared to be undoubted rights against which no declaration or precedent ought to operate to the injury of the people." [87]

The convention empowered Hamilton to take any steps that might be necessary for preserving the public peace till the end of the interregnum; and the Estates then adjourned for five weeks. Thus the Revolution was formally recognised in Scotland.

[87] *Acts Parl. Scot.*, Vol. IX., pp. 39-40.

CHAPTER XXVIII.

The Revolution and the Union.

ALTHOUGH at the centre of authority, the Revolution, had been accomplished, the principles and the difficulties which had caused it, were not solved. The opposite interests and influences, and the diverse sentiments and convictions in politics and religion, which had characterised parties in Scotland since the Reformation, were not harmonised. On some political ideas and points keener feelings than ever had been generated and aroused. The deposed dynasty had still many adherents in Scotland, so that the new government found itself face to face with embarrassment and a complicated series of obstacles. The Covenanters, or the extreme party of the presbyterians, were dissatisfied with the way in which the Convention had treated the question of Church government, as they disapproved of all compromises, while the bishops and the episcopal party were bitterly offended and disappointed. The leading Jacobites were preparing to assail the new government by force of arms.

King William had a difficult task in nominating ministers for the government of Scotland. The leader of a revolutionary movement, and each subordinate actor in it imagines that he is well entitled to a place in the new arrangement of affairs, or to some important post in the administration; hence, whomsoever the King might appoint, he would offend those who found their own claims ignored. A numerous class of Scotsmen were eager to proffer their advice and their service to King William, recommending him not to govern the kingdom by a faction, or to be led by those who had their own personal interest in view, but to be guided solely by considerations for the public good. The position of the King in Scotland was complicated and perplexing, inasmuch as both the Church and the parliament demanded reform of a radical character. But King William had at least one Scotsmen whom he could trust, William Carstairs, a presbyterian minister, and afterwards Principal of the University of Edinburgh. He had suffered persecution under the

preceding reigns, and his hand still bore the marks of the thumb-screw. He had been long deep in the secrets and schemes of the Prince of Orange, and no man of that period was more worthy of confidence; William knew him well, and implicitly trusted him. He was appointed chaplain to their Majesties for Scotland; but he continued to be much with the King, and from the first advised him to adopt a moderate policy in Scotland. Carstairs' own sentiments were liberal, and the severe persecution which he had undergone, had not in the least hardened his nature or clouded the judgment of his remarkable mind. The Duke of Hamilton was appointed royal commissioner when the Convention was turned into a parliament, yet it was reported that he did not consider himself sufficiently rewarded for his services. The Earl of Crawford was nominated a Privy Councillor, and President of Parliament; he was a presbyterian, and warmly supported that party. Lord Melville was appointed Secretary of State, and he also belonged to the presbyterians, and commanded their respect and confidence. Sir James Montgomery had thought himself entitled to the secretaryship, and though he was offered the office of Lord Justice Clerk, he deemed it below his merits, and therefore returned from London to Edinburgh a disappointed man, with feelings of aversion to the King and government, and determined on concerting plans of opposition. Lord Stair was made President of the Court of Session; and his son, John Dalrymple, was appointed Lord Advocate. Both of these had been concerned in the proceedings of the former reigns, so that many who considered themselves free from this blemish were greatly displeased and chagrined at their re-elevation.[1]

A number of the Scotch Whigs, disappointed by the new arrangements, assembled in Edinburgh, and brooded over plans of opposition to the government. Among these angry politicians, the highest in rank were the Earl of Annandale and Lord Ross, who found a leader and a kindred spirit in Montgomery. Under this bold man, they formed themselves into a society called "The Club," appointed a clerk, and met daily in a public-house to concert modes of opposition. With them Sir Patrick Hume, (who had returned from exile), and Fletcher of Saltoun, became associated, while many others joined them, and appeared on the side of the opposition. In conjunction

[1] M'Cormick's *Life of Carstairs;* Burnet's *History of His Own Time*, Vol. IV., pp. 42, 43.

with these men, Montgomery exerted himself to the utmost to form a party, which might be strong enough to control the proceedings of the Convention.[2]

The Convention reassembled on the 5th of June, 1689, and passed an act which converted it into a parliament. Hamilton, the royal commissioner, was instructed to give the King's assent to acts for reforming the constitution of the committee of the Lords of the Articles, establishing the presbyterian polity, and remeding other grievances. But the members of the Club were intently bent on a teasing opposition to the government. They had determined, if possible, to ruin the Dalrymples, and reiterated that both the father and son had served under the late reigns, and oppressed the people. A form of conflict of a novel character was thus begun in the Scotch parliament. The chief contention was for a free debating parliament, such as England enjoyed, and thus it became necessary to abolish the committee called the Lords of the Articles. This was a very old institution of elective origin,[3] but it had been from time to time modified and transformed to suit the ends of the Crown. Nearly all parliamentary business and action had become concentrated in this committee; it had always been an aim of the recent kings to reduce a session to as few normal sittings as possible, and thus prevent discussions of their measures before the house. A majority of the members clamoured loudly for parliamentary reform, and a long and vehement debate ensued on the abolition of the Committee of the Articles. The King's proposal to modify the constitution of the Lords of the Articles and still retain them, was repeatedly rejected, and total abolition demanded; but this was not then obtained. In the debate touching the nomination of the judges of the Court of Session, the members of the Club maintained that parliament should have a veto on their appointment.

Much of the time of the session was spent in fruitless efforts. But on the 22nd of July, an act abolishing episcopacy was passed, which stated that the King, with the consent of parliament, would settle in Scotland the form of Church government most agreeable to the in-

[2] *Leven and Melville Papers.*

[3] Mackintosh's *History of Civilisation in Scotland*, Vol. I., pp. 369-370. In the century under review the mode of forming it was stated at page 130.

clinations of the people. The royal commissioner adjourned the session on the 2nd of August.[4]

Thus, when the Estates adjourned, no form of Church polity was legally established; but the Privy Council was empowered to allow the ministers to continue their meetings of kirk-sessions, presbyteries, and synods, till the government of the Church should be further established by an Act of Parliament, and by the authority of the General Assembly.

Meanwhile Viscount Dundee and the Jacobites in the north were struggling to the utmost against the government. Since Dundee left Edinburgh, he had concerted a rising in the Highlands. General Mackay, with the royal army, was making desperate but unavailing efforts to crush the rising. His first campaign in the Highlands was an utter failure. Dundee resolved to muster the chiefs and clansmen in Lochaber, and a force of about two thousand assembled, consisting mainly of the Macdonalds, the Camerons, and Macleans. He marched through Badenoch to Athole, and arrived at Blair Castle on the morning of the 27th of July, 1689, where he received tidings that the royal army under General Mackay had entered the Pass of Killiecrankie. Dundee allowed Mackay to advance through the Pass, and gave him battle on the open ground. He immediately marched from the Castle of Blair along the Water of Tilt, and turned round the Hill of Lude, and took up his position on the brow of the hill which overlooked Mackay's army. When Mackay perceived the approach of Dundee's followers, he at once prepared for action. His army consisted of three thousand five hundred men, and two troops of cavalry. After examining the ground, he formed his men into one line three deep. Near the centre of his line was a piece of marshy ground, and behind it he placed his cavalry, which might be ready to attack the enemy in flank, after the fire of the infantry was spent. His line of battle was longer than Dundee's, hence, when the latter was advancing to the attack, some companies of the clansmen were exposed to a raking flank fire. The two armies had faced each other for several hours, and the Highlanders were becoming impatient. At three quarters of an hour before sunset, they were ordered to prepare for action, and Dundee placed himself at the head of his company of cavalry, and resolved to charge in person. The signal to charge was given, and the Highlanders raised a shout which re-echoed

[4] *Acts Parl. Scot.*, Vol. IX., pp. 98, 104; App. Minutes of Estates.

afar from the surrounding hills. They advanced down the hill firing their guns, but the royal line returned the fire briskly, and thinned their ranks. As they came close upon the hostile line, they threw down their guns, drew their broadswords, and, with yells which rent the air, rushed on the royalists before they had time to fix their bayonets. The onset was fierce and irresistible, and at once broke the ranks of the enemy, who had no effective means of defence against the strokes of the broadswords, and the royal troops fled down the valley in utter confusion. In a few minutes the Battle of Killiecrankie was fought and won. Dundee fell mortally wounded by a shot, expiring in the moment of victory; about six hundred of his followers were slain.

In spite of the disaster, the General never lost his coolness and courage. As soon as he saw Dundee's mode of attack, he ordered his cavalry to charge the Highlanders in flank, and in person he led a troop to charge their right flank, and spurred through the thickest of the enemy, but only one single horseman followed their General. When he turned round to observe the state of matters, his army was out of sight; "in the twinkling of an eye," he said, "our men were out of sight, having gone down pell mell to the river, where the baggage stood." After some time, he found that only about four hundred of his army remained; some of his men had fled, and two thousand of them slain or taken prisoners. Having collected the remnants of his army, he placed himself at its head, and retired from the scene of the battle. His officers recommended a retreat through the Pass of Killiecrankie, but he wisely rejected their advice, and proceeded across the hills toward Strath Tay, and thence to Stirling, which he reached on the 29th of July.

News of the defeat of the royal army reached Edinburgh on the 28th of July, the day after the battle, and caused intense consternation. It was reported that Mackay was killed and his army destroyed; that Dundee was already master of the country beyond the Forth, and rapidly advancing to take possession of the capital. A meeting of the Privy Council was immediately held, and orders issued to muster all the fencible men in the west, and to concentrate all the troops at Stirling to defend the passage of the Forth. Some of the members of the Council proposed to transfer the seat of Government to Glasgow, others were for retiring into England. This ferment of excitement continued for two days, but on the third intelligence was received of Dundee's death—an event which was regarded both in

Edinburgh and London as a full compensation for the defeat and destruction of the royal army. The fall of Dundee was a fatal blow to the cause of King James in Scotland. Cannon, who succeeded him in command, mismanaged everything; the war against the Government languished, and soon ceased.

The King found it an extremely difficult task to rule Scotland. He could hardly find any Scottish politicians in whom he had confidence. The Duke of Hamilton had not given satisfaction as royal commissioner; and when Parliament re-assembled at Edinburgh on the 15th of April, 1690, Lord Melville appeared as the King's representative. On the first vote being taken, the Government obtained a small majority which soon increased, and the power of the opposition Club was completely broken. The King had formed a rather low opinion of the morality and the honour of the Scottish aristocracy. His commissioner was instructed to treat with the leading men inclined to opposition, to promise them posts or money, and thus ward off troublesome opposition; and indeed, to use direct bribery, if necessary, for the ends of the Government.—"Thus you are allowed to deal with the leading men in Parliament, that they may concur for redressing of the grievances, without reflecting upon some votes of Parliament much insisted on last session, which, upon weighty considerations, we thought not fit to pass into laws; and what employment or other gratification you may think fit to promise them in our name, we shall fulfil the same. You are to deal with all other persons as you shall have occasion, whom you judge most capable to be serviceable to us, that they may be employed as instruments of taking these leading men, or for getting intelligence, or for influencing shires, or royal boroughs, that they may instruct their commissioners cordially to comply with our instructions for redressing of the grievances; and what money or other gratification you may promise them shall be made good."[5] William promised encouragement to the Presbyterians, and advised them to proceed with discretion and moderation; but he was unwilling to abolish patronage. Further, he directed that the acts passed in the last session favourable to them should be ratified, and suggested that a bill for the final settlement of the Church should be passed. He wisely abandoned the chief points of difference touching the forms of parliamentary procedure; and it was settled that henceforth there were

[5] *Leven and Melville Papers*, p. 417.

to be no standing committees like the Lords of the Articles; the Estates were merely to appoint their committees from time to time, to digest measures submitted to them. The officers of State, however, were still permitted to attend these committees, with a right of moving and debating, but not of voting.[6]

On the 15th of April, the statute of 1669, which so emphatically asserted the King's supremacy in all cases and over all persons, was repealed. All the Presbyterian ministers ejected since the beginning of the year 1661 were restored, but only about sixty of them were alive; while the Episcopal incumbents in the restored ministers' parishes were ordered to leave their manses within a few weeks. Parliament approved of the Westminster Confession of Faith, and re-established the Presbyterian polity; while the government and re-organisation of the Church were entrusted to the sixty restored ministers, and to such other ministers and elders as they should think fit to associate with themselves in the work. A General Assembly was authorised to meet at Edinburgh in October, and empowered to appoint visitors to eject all ministers who were inefficient, scandalous in morals, or erroneous in doctrine. All the churches which had been deserted by their ministers, or from which the ministers had been removed before the 13th of April, 1689, or whose ministers had been deprived, since that date, for not praying for the King and the Queen, were declared vacant. There was some opposition to these arrangements in parliament, but they were finally carried by a large majority.[7]

The King wished to retain patronage, but the opposition against it was too strong, and it was abolished in this way. When a vacancy occurred, the heritors and elders had to nominate a minister for the approval of the congregation; and if the congregation disapproved of the nominee, they were to produce their reasons before the presbytery, by whom the matter was to be finally settled. In royal burghs it was specially provided that the calling of ministers should be vested in the magistrates, town council, and kirk-session.[8]

It was enacted that all the office-bearers in the universities and schools should sign the Confession of Faith, submit to the Presbyterian form of polity, and take the oath of allegiance to the King

[6] *Acts Parl. Scot.*, Vol. IX., App.

[7] *Ibid.*, Vol. IX., pp. 111, 132-134.

[8] *Acts Parl. Scot.*, Vol. IX., pp. 196, 197. The act allowed compensation to those who lost their rights of patronage.

and the Queen. A commission was named and authorised to visit all these institutions, and to eject all unsound and scandalous persons, and all who refused to submit to the established government. In a short time all the universities were visited, and purged of obnoxious professors.[9]

This parliament passed an act which deprived the Church of the power of enforcing censures by the infliction of civil penalties. A draft of the Toleration Act was introduced by a private member, but it was coldly received and allowed to drop. But the King had wisely resolved not to permit the dominant party to indulge in persecuting any of those who differed from themselves.

There were, however, two parties almost equally dissatisfied with the new ecclesiastical arrangements—the genuine Episcopalians, and the extreme Presbyterians, or Cameronians. The Cameronians rejected the new settlement on principle, as it ignored the Covenants. But they were not a dangerous party to the new government, for reasons which were then and now pretty obvious. The party who firmly held Episcopal views, on the other hand, were not very numerous, but when they became identified with the Jacobites, the two united politically formed a strong party against the government. The Jacobites were not all Episcopal, but common interests and the same political object induced them to unite with the Episcopalians as one party.

Soon after the parliamentary sanction of Presbyterianism, a preliminary meeting of ministers and elders was held at Edinburgh, to prepare for the ensuing General Assembly. The meeting was rather stormy at the beginning, some opposition to the governing body of sixty being offered, and a protest entered; but peaceful counsels prevailed, and the proceedings went on smoothly. A number of young and active preachers were added to the governing body, and arrangements were made for the coming Assembly. Presbyteries were erected in various districts, and empowered to try and to eject all scandalous and negligent ministers, according to the Act of Parliament. Nearly half of the parish churches were already vacant, and the presbyteries proceeded with remarkable energy to purge the Church and to turn out more of the incumbents.[10]

[9] *Ibid.*; *Fasti Aberdonenses*, pp. 361, 168, 379, 380.

[10] *Historical Relation of the Late General Assembly at Edinburgh in the year 1690*, pp. 4-14.

Thirty-seven years had passed since the last General Assembly was dissolved by Cromwell's officers, and the prospect of reassembling a body that had sometimes shaken the throne, caused grave thought and much anxiety to the King and his advisers. The Government strove earnestly to secure a peaceful Assembly. Lord Melville wrote to the leading ministers beseeching them to follow moderate measures, to act discreetly and proceed quietly, as the only way to insure the success of their polity. The Earl of Crawford also exerted himself to the utmost amongst his friends, and impressed upon them that much depended on their own tact and conduct. Lord Carmichael was appointed royal commissioner to the Assembly; he was a Presbyterian, and a man of good common sense and mild temper.[11]

The Assembly met at Edinburgh on the 16th of October, 1690. About one hundred and eighty ministers and elders attended; but the greater part of the kingdom beyond the Tay was unrepresented. Carmichael presented the King's letter, which briefly stated :—"We expect that your management shall be such as we shall have no reason to repent of what we have done. A calm and peaceable procedure will be no less pleasing to us than it becometh you. We never could be of the mind that violence was suited to the advancing of true religion, nor do we intend that our authority shall ever be made a tool to the irregular passions of any party. Moderation is what religion enjoins, neighbouring churches expect from you, and we recommend to you." The Assembly agreed to return an address to the King, and stated :—"If after the violence for conscience' sake that we have suffered and so much detested, and those grievous abuses of authority in the late reigns, whereby through some men's irregular passions we have smarted, we ourselves should lapse into the same errors, we should certainly prove the most unjust towards God, foolish towards ourselves, and ungrateful towards your Majesty, of all men on earth.[12]

An interesting matter came before the Assembly in the form of an offer of submission from three of the Cameronian ministers, who had exonerated their consciences by exhibiting their testimony against the corruptions of the Church. The Assembly agreed to receive them into communion, and the moderator exhorted them to walk orderly and to oppose all divisions in the Church. An act was passed which

[11] *Leven and Melville Papers.* [12] *Acts of the General Assembly.*

required all ministers and elders to sign the Westminster Confession of Faith. Another act enjoined the presbyteries to observe all the ministers in their bounds who neglected the fasts appointed by the Church, or administered the sacrament in private, or celebrated clandestine marriages; while private baptism was expressly prohibited. Regulations were adopted touching the union of presbyteries where the number of ministers was incomplete, reclaiming Roman Catholics, and procuring a supply of Bibles and Catechisms for the Highland parishes. The Assembly then annulled all the denunciations proclaimed nearly forty years before by the Protestors and the Resolutioners against each other. Two commissions of visitation were appointed, one for the presbyteries south of the Tay, and the other for those to the north of it; and they were instructed to eject inefficient and erroneous ministers, and to see that those retained in the Church and admitted to share in her government, signed the Confession and submitted to her discipline.

The extreme Covenanting party, who had suffered so much in the two preceding reigns without yielding an inch, and still maintained a consistent view, though a narrow one, were greatly displeased with the form of the settlement of the Church. As indicated, three ministers deserted them, and were received by the Assembly; their names were William Boyd, Alexander Shields, and Thomas Lining. Though the Cameronian ministers had joined the Church and allowed the paper which enumerated the backslidings of the nation to be suppressed, their flocks were not prepared to follow them or to homologate what they considered a wicked compliance. As soon as they knew what had occurred, they framed a paper expressing their ideas, and immediately sent it to Edinburgh, where, however, it was stopped in its progress by the committee of overtures. The Cameronians were naturally angry at this treatment. They assailed their ministers for having betrayed them, while they accused themselves for having recognised the Prince of Orange, for having been induced to assist in protecting the Convention of Estates, and for having owned the Assembly. Meanwhile they were at a loss what to do, as they had no ministers; in a short time, however, this want was supplied, and they became the first body of Scotch dissenters from the Presbyterian Church.

After sitting about a month the Assembly adjourned, and the royal commissioner gave the King a favourable report of its proceed-

ings. The extreme views of the covenanting age were allowed to slumber in silence, no attempt being made to renew the Covenants.[13]

The commissioners appointed by the General Assembly entered with energy on their work. In the current Jacobite writings it was reported that the most frivolous pretexts were deemed sufficient to condemn an obnoxious curate. But the commissioners had often to encounter opposition, especially in the north, where their acts of deposition were resisted by the congregations, and the newly-appointed Presbyterian ministers rejected. When they arrived at Aberdeen, in March, 1691, they were assailed by a mob, and forced to return southwards without accomplishing anything. The greater part of the clergy ejected by the commissioners were Jacobites, who persisted in praying for King James. But a number of them who considered themselves unjustly treated by the commissioners, despatched a deputation to present their grievances to the King, and they managed to enlist his sympathy in their cause. Royal letters were sent to the Privy Council and to the commission, in which the King intimated that severity should cease, and that all the Episcopal ministers who were qualified for the ministry, and willingly submitted to the government in Church and State, should be permitted to remain in their parishes. But the Presbyterians deemed these letters an encroachment upon their rights, and paid no attention to them. The commission proceeded boldly with its work of purifying the Church; while a second letter from the King had no more effect than the first.[14]

Indeed, the old conflict between the Church and the Crown was threatening to revive. The Assembly had been adjourned to the 1st of November, 1691, but before that date, it was adjourned by the King to the 15th of January, 1692. When this day came, the Assembly met at Edinburgh; the southern Presbyterians were fairly represented, but only five commissioners from the presbyteries north of Dundee appeared. The entire Assembly consisted of one hundred and eleven ministers, and fifty-four ruling elders.[15]

The Earl of Lothian acted as royal commissioner, and presented a letter from the King. William referred to the letters which he had sent to the commission, and complained that the indications he had

[13] *Acts of the General Assembly; Faithful Contendings Displayed.*

[14] Carstairs' *State Papers*, p. 146; Cunningham's *Church History of Scotland*, Vol. II., pp. 295-297; Dr. Grub's *Eccles. Hist. Scot.*, Vol. III., pp. 327-328.

[15] *Register of the Proceedings of the Assembly.*

received of their readiness to admit their Episcopal brethren into communion with them had not been realised; and said he had been informed that they were not a full General Assembly, as a majority of the ministers of the Church were not allowed to be represented; that he had instructed those ministers who wished to conform to apply to them for admission, according to a form and declaration which he had sent with his commissioner, and he thought it right that the commissioners for arranging these matters should be composed of an equal number of Episcopal and Presbyterian members. The commissioner produced the form proposed by the King for the conforming Episcopal ministers. It required the subscriber to declare and promise to submit to and concur with the Presbyterian government of the Church, and sign the Confession of Faith and the Catechism. The Assembly referred the matter to a committee. Meanwhile many of the Episcopal clergy sent in addresses to the Assembly requesting to be admitted into the Church on the conditions proposed, and these were also remitted to a committee. The Presbyterians were not prepared for a union of this character; as they were suspicious of the King's proposals. After sitting four weeks, the royal commissioner addressed the Assembly in a reproachful style for not having shown any disposition to promote unity with their brethren, and in the King's name dissolved the Assembly. When he sat down the moderator rose, and asked if the Assembly was dissolved without appointing a day for its next meeting. The commissioner said that his Majesty would appoint another Assembly in due time, and give notice of it. The moderator then asked liberty to speak, but he was told that he could only be heard as a private person, not as representing the Assembly. Yet he delivered his opinion on the point, and stated that though they were under many obligations to the King, and always ready to obey his lawful commands, still in the name of his brethren, he begged to declare "that the office-bearers in the house of God have a spiritual intrinsic power from Jesus Christ, the only Head of the Church, to meet in assemblies concerning the affairs thereof, the necessity of the same being first represented to the magistrate; and farther, I humbly crave that the dissolution of this Assembly, without inducting a new one to a certain day, may not be to the prejudice of our yearly General Assemblies, granted to us by the laws of the kingdom." Touching the state of parties at this time, Burnet says: "The Episcopal party carried it very high; they gave it out that the King was now theirs; and that they were willing to

come to a concurrence with Presbytery, on design to bring all about to Episcopacy in a little time. The Presbyterians, who at all times were stiff and peevish, were more than ordinary so at this time: they were jealous of the King; their friends were disgraced, and their bitterest enemies were coming into power: so they were surly, and would not abate one point of their government: and upon that the Assembly was dissolved." [16]

This was represented to the King as an insolent invasion of the rights of the Crown, and much angry feeling was evoked on both sides. William had pretty high ideas of his kingly powers, and was jealous of all the prerogatives which he thought belonged to the Crown.

Though open war against the government had ceased, still the exiled King had many adherents in Scotland, especially in the north and among the Highland chiefs. As past and subsequent events had proved, the Celtic portion of the inhabitants could make themselves extremely troublesome to any government. An attempt was therefore made to purchase the friendship of the Highland clans. The King and his government had avowedly adopted a system of bribery and corruption. It should be stated that at this period dishonesty, treachery, and cruelty were not specially limited to the Highlanders of Scotland; and if truth and morality be the standard of estimation, neither the King nor his government had much claim to be regarded as examples of high morality.

The Government engaged the Earl of Breadalbane to corrupt the Highland chiefs—in other words, to purchase their submission, and if possible to secure their allegiance to King William; for this purpose a sum of money, reported to be twenty thousand pounds, was placed at the Earl's disposal. It was in the month of April, 1690, that the Earl was authorised to execute this business; and the King in his instructions to him directed particular attention to Sir Donald McDonald, Maclean, Clanranald, Glengarry, Lochiel, and the Mackenzies. The King named a sum not exceeding two thousand pounds

[16] *Register of the Proceedings of the Assembly. History of his Own Time*, Vol. IV., p. 151. Dr. Grub says: "There is some reason to doubt whether the Episcopal clergy were sincere in their profession of a wish for union on the terms proposed; in any event, it was hardly to be expected that the Presbyterians would voluntarily consent to a plan which if carried out would have given their opponents a majority in the General Assembly."—*Eccles. Hist. Scot.*, Vol. III., p. 330.

to be offered, or a dignity under an earldom, to any chief whose allegiance it might be necessary to buy at so high a price;[17] and to give these money operations more effect, a proclamation was emitted in August, 1691, commanding all the chiefs to take the oath of allegiance in the presence of a civil magistrate before the 1st of January, 1692, under the penalties of treason and military execution. The chiefs at first refused to rely on the promises of Breadalbane, and continued for months suspicious, but at length the most of them complied with the terms of the proclamation, and took the oath of allegiance.

But there were some persons, and one man high in office in particular, who was greatly disappointed that the body of the Highland chiefs were yielding to the demands of the government. The individual specially offended at their submission was Sir John Dalrymple of Stair, who had been Lord-Advocate, and was then Secretary of State for Scotland. He was exceedingly anxious that a number of the clans should stand out, and thus afford an excuse for their complete slaughter; indeed, there is ample evidence that he was wildly angry, as his hope of exterminating the Celtic people became day by day less probable. In the end of October, 1691, he wrote: "It must be a strange inadventure if the Highlanders be not convinced of the King's extraordinary goodness to them, when he is content to be at a charge to accommodate them, and give them the plain prospect of future peace, security, and advantage, when he can gratify many by destroying them with as little charge. And certainly, if there do remain any obstinacy, these advices will be taken. The King, by the offer of mercy, has sufficiently shown his good intentions, and by their ruin he will rid himself of a suspicious crew." In November, 1691, he intimated to Breadalbane, "I wrote to you formerly, that if the rest were willing to concur, as the crows do, to pull down Glengarry's nest this winter, so as the King be not hindered to draw four regiments from Scotland,—in that case destroying him and his clan, and garrisoning his house as a middle for communication between Inverlochy and Inverness, will be fully as acceptable as if he had come in. This answers all ends, and satisfies those who complain of the King's too great gentleness."[18] On the eve of the massacre, the Secretary

[17] *Leven and Melville Papers.*

[18] Sir John Dalrymple's *Memoirs*, Vol. II., p. 265; Burton's *Hist. Scot.*, Vol. II., pp. 525-528, 1853.

wrote—"Just now, my lord, Argyle tells me that Glencoe has not taken the oaths, at which I rejoice; it's a great work of charity to be exact in rooting out that damnable sept, the worst in all the Highlands." [19]

Macdonald of Glencoe, owing to several untoward circumstances, was a few days behind the prescribed time for taking the oath of allegiance; but he did take it before the Sheriff of Argyle at Inveraray; and the sheriff forwarded it to the Privy Council in Edinburgh, but the clerks refused to take it. The upshot was that the massacre of the Chief of Glencoe, and all his retainers, was ordered by the King, and despatches sent to the commander of the forces in that quarter to execute it. The King's instructions were issued on the 11th and 16th of January, 1692. The instructions of the later date touching Glencoe, were as follows:—"If Macdonald of Glencoe and that tribe can be well separated from the rest, it will be a proper vindication of public justice to extirpate that sept of thieves.—W. Rex." On the same day Secretary Stair wrote to Livingstone, the Commander of the Forces: "I send you the King's instructions, super and subscribed by himself. I am confident you will see there are full powers given you in very plain terms, and yet the method is left very much to your own discretion." The result of these instructions was, that on the 1st of February, Campbell of Glenlyon, with a company of one hundred and twenty soldiers, entered Glencoe, and were hospitably treated in the homes of Macdonald and his clan for twelve days; but, on the cold stormy night of the 13th of February, 1692, the chief and forty of his clan were ruthlessly murdered by the King's troops under Glenlyon. A number of the intended victims escaped, owing to the darkness of the night and the severity of the snowstorm, and fled almost naked to the rocks and mountains. The deserted houses of the doomed clan were burned down. The soldiers collected the property of their victims, which consisted of nine hundred cattle, and two hundred ponies, and a number of sheep and goats, and drove the whole to Fort William, where they were divided among the officers of the garrison.

Although the massacre was deliberately planned and treacherously executed, it was not nearly so complete as intended, for the storm prevented four hundred of the troops from reaching the scene till

[19] Graham's *Annals and Correspondence of the Viscount, and the First and Second Earl of Stair*, Vol. I., p. 159, 1875.

after the appointed hour. Considered politically, it was a hideous blunder, as it tended to render the clansmen more suspicious, and roused in their hearts a bitter hatred of the Government. Indeed the Government was much surprised at the sentiments of the people touching the massacre. Secretary Stair was greatly astonished when he heard the expressions in which he was characterised, and that his services to the King were bitterly assailed; but he openly declared that his only regret was, that every soul of the clan was not slain on that stormy morning. Several attempts have been made to free King William of the responsibility of the massacre, although he not only authorised it, but also by his subsequent action fully condoned it. The deed has left a stain on his character which time can never obliterate.[20]

Parliament met at Edinburgh in April, 1693, with the Duke of Hamilton as royal commissioner. There was a feeling of uneasiness throughout the nation. A Jacobite rising was dreaded, as the massacre of Glencoe had raised the hopes of the Jacobites: it was accordingly enacted that the oath of allegiance should be taken, and a declaration of assurance subscribed, by which William and Mary were acknowledged as King and Queen, as well by right as in fact. All persons in office were commanded to take the oath of allegiance, and to sign the assurance; and in the latter a promise was made to maintain their Majesties' title and government against the late King James and his adherents, and all other enemies.

Another act enjoined that no one should be admitted or continued as a minister in the Established Church, unless he had first taken and subscribed the oath of allegiance and the assurance, signed the Confession, and owned the established Presbyterian polity of the Church as the only true one, declaring that he would submit to it, and never attempt directly or indirectly to subvert it. The Estates requested the King to call a General Assembly for settling the affairs of the Church, and especially for admitting all the Episcopal ministers holding benefices to a share in her government who should qualify themselves as stated above; at the same time intimating that all who failed to qualify might be deposed, while all who complied would be protected in their livings.[21]

[20] The substance of the original information about the massacre is contained in the report of the commissioners who were appointed to investigate the matter on the 29th of April, 1695.

[21] *Acts Parl. Scot.*, Vol. IX., pp. 262-264, 303.

It might have been expected that the Episcopal clergy would object to the oath of allegiance and assurance, but Parliament seems to have thought that the Presbyterian ministers would have no scruple in taking the oath of assurance—though when it came to be applied, they were found to be opposed to it on various grounds. They canvassed it sharply, and distinctly asked, "Where is there a point that has been more earnestly and obstinately disputed than the doctrine of deposing kings and magistrates? Are there not arguments brought from the Holy Scripture, from the nature of magistracy, from the peace of society, from the dreadful consequences, the vast deluge of blood, the lamentable dissolution of kingdoms, which have followed such undertakings? whereby many learned and pious men have endeavoured, at all times, to overthrow that king-dethroning power, which never can be practised without greater effusion of blood and violation of all rights than the greatest of tyrants have ever occasioned. And why, then, should Parliament at this time of day impose a yoke upon the Church, which neither we nor our fathers were made sensible of before? Amidst all the past struggles about controverted titles to the Crown, the Church was never bound by oath to either of the contending parties, and why should a party oath be imposed now?" [22]

The Presbyterian ministers applied to the Privy Council to be relieved from taking the oath of assurance. But it was reported that the Council advised the King to insist that every minister should subscribe the oath before taking his seat in the ensuing General Assembly. The King seems to have been inclined to follow this course, but at last, on the advice of his chaplain, Carstairs, yielded the point; and when the Assembly met on the 29th of March, 1694, no attempt was made to force the oath of assurance on the members. The Assembly appointed a commission to receive into communion the Episcopal ministers who qualified themselves in terms of the recent Act of Parliament; but few of them sought admission into the Church on the prescribed conditions. Many of them, however, still remained in the parish churches; as yet, in the northern quarter of the kingdom, they were hardly touched. In the summer of 1694, the commission of the Assembly visited Aberdeen and Inverness, and attempted to displace the old clergy, but it was found to be impossible to proceed with the intended deprivations; in Aberdeen, and

[22] M'Cormick's *Life of Carstairs*, pp. 52-56.

some country parishes, the people were attached to the Episcopal ministers, and would not allow them to be ejected. To meet this, Parliament in 1695 passed several acts. It was provided that a portion of the stipend of each of the vacant churches north of the Forth should be applied to pay temporary missionaries, appointed by the presbyteries to officiate in these churches. It was enacted that any one intruding themselves into a church, manse, or benefice, without a regular call and legal admission by the presbytery of the bounds, should be declared incapable of enjoying any church in the kingdom for a period of seven years after their removal from the church into which they had intruded. The Privy Council was ordered to remove those who had intruded into vacant churches since the establishment of the Presbyterian polity, without a regular call and legal admission. The deprived ministers were prohibited from celebrating marriages and baptisms under the penalty of imprisonment. [23]

But on the other hand, this session of Parliament passed some Acts more favourable to the Episcopal clergy. They were allowed a longer period for taking the oaths of allegiance and assurance. It was also enacted that all who qualified themselves within the appointed time should be permitted to continue in their manses and churches, and to perform their functions in these parishes, without taking part in ordination or Church government, unless duly assumed by a competent Church court. It was provided that all the Episcopal ministers thus qualified, should be free to apply or not to the Church court for admission to a share in her government, and that these courts should also be free to admit or not admit them, if they did apply. Under this act many of the Episcopal clergy continued in possession of their churches. Within three months, more than a hundred of them took advantage of its provisions, which were not fettered as former acts had been with any promise of conformity to Presbyterianism. [24]

There still remained a compact body of the Episcopal clergy who refused to make any move towards the King's government or Presbyterianism, and these were naturally regarded as open enemies to the Revolution settlement, and usually classed amongst the Jacobites.

[23] M'Cormick's *Life of Carstairs*, pp. 57-64; *Acts of the General Assembly; Acts Parl. Scot.*, Vol. IX., pp. 387, 415, 420.

[24] *Acts Parl. Scot.*, Vol. IX., pp. 491-450; Burnet's *History of His Own Time*, Vol. IV., p. 275.

Their religion was closely associated with their politics, and they became the active champions of the Jacobite party and the exiled King. The national records down to the Union are full of complaints against them. Even when the Jacobite incumbent had died, in some places it was found to be impossible, till after the lapse of several years, to plant a Presbyterian successor in his church. At the time of the Union there were one hundred and sixty-five Episcopal ministers within the pale of the Established Church, living in the manses, preaching in the pulpits, and enjoying the stipends, but gradually these died out, and then Presbyterian ministers took their places. [25]

Since the Reformation the national mind had been pre-occupied with religious struggles, which were mixed up with politics; but its attention now became directed to different enterprises. Directly after the Revolution, the spirit of the nation began to incline more toward industry, to the erection of manufactories, to trade, and to commerce. Dreams of commercial greatness and vast wealth rose before the national imagination and captivated it; and one person appeared with dazzling schemes to satisfy the people and the cravings of the time. William Paterson had a mind overflowing with grand commercial projects, and it was reported that he had given hints which led to the establishment of several banking companies; but his enemies maliciously said that he had acquired his knowledge of foreign countries in his buccaneering adventures. As a part of the Isthmus of Darien was unoccupied by the Spaniards, Paterson formed the idea of founding on it a central emporium for the merchandise of the world. He thought that a link could be formed there to connect the trade of Europe and Asia, so that the Atlantic and Pacific Oceans might be ploughed with ships from every quarter of the globe, directing their prows to that narrow neck of land, and thus enriching the Scots, who, by occupying the Isthmus, would hold the keys of the commercial world in their hands. The scheme assumed a definite form in an act of the Scotch parliament passed in June, 1695, which authorised the establishment of a trading company to America, Africa, and the Indies.

This act presented an outline of the scheme, and the powers and privileges of the company, and it was carefully drawn in all its details. In virtue of a former act passed in 1683, for encouraging

[25] *Acts of the General Assembly;* Skinner's *Eccles. Hist.*

foreign trade, and granting power to merchants to form companies for carrying on foreign trade, the new act sketched out the constitution of a joint-stock company very minutely, under the name of the Company of Scotland, trading to Africa and the Indies. The act empowered the company to equip, freight, and navigate their own or hired ships, in any manner which they thought fit, and to trade from any of the ports of Scotland, or the ports of other countries not at war with Britain; and to plant colonies, to build forts and towns, in any part of Asia, Africa, or America, in uninhabited places, or in other regions with the consent of the inhabitants, if such countries were not possessed by any European power: and with liberty to employ all lawful means for their own defence and protection, and the advancement of their special objects; and to make and conclude treaties of peace and commerce with kings, princes, or proprietors of lands or countries, in the above quarters of the globe. They were authorised if attacked to make reprisals. The company was to have the free right of their own property of all kinds, in whatever part of the world they might acquire, possess, and establish it; and simply acknowledging their allegiance to the King of Britain by the annual payments of a hogshead of tobacco, in name of blench duty, and that only if demanded. All other Scotsmen were prohibited from trading within the company's privileges without their license, and they were empowered to seize on all intruders, "by force of arms, at our own hands," for a period of twenty-one years. The ships, goods, and merchandise of the company were to be free from taxes and dues imposed by the parliament, for twenty-one years. It was arranged that only the half of the subscribed capital of the company could be held by persons non-resident in Scotland. The following are the names of some of the partners of the company recorded in the Act of Parliament:—Lord Belhaven, Adam Cockburn of Ormiston, the Lord Justice-Clerk, Sir John Maxwell of Pollok; George Clark, late bailie of Edinburgh; John Cross, merchant in Glasgow; William Paterson, Esq., James Fowlis, David Nairn, Esq., Thomas Deans, Esq., and Walter Stuart, merchants in London; and all others joining with them within one year after the 1st of August, 1695. And these having assembled, were then to be regarded as an incorporate body, "and a free incorporation, with perpetual succession, by the name of the Company of Scotland, trading to Africa and the Indies."[26]

[26] *Acts Parl. Scot.*, Vol. IX., pp. 377-381.

Even though this company completely failed in its objects, its origin and formation are interesting and important events in the commercial history and civilisation of the nation: and therefore the following part of the original Act may be quoted:—"And farther, it is enacted that the company, by commission under their seal, may make and constitute all and each of their directors, governors, and commanders-in-chief, and other officers, civil or military, by land or by sea; as also that the company may enlist, enrol, hire, and retain all such persons, subjects of this kingdom, or others who shall be willing to enter into their service or pay, providing always that they uplift or levy none in this kingdom to be soldiers, without warrant from his Majesty or of his Privy Council, over which governors, commanders-in-chief, or other officers, and all in their service and pay, the company shall have the power, command, and disposition, both by sea and by land. . . . And lastly, all persons concerned in this company are hereby declared to be free denizens of this kingdom; and that they, with all that shall settle, or inhabit, or be born in any of the foresaid plantations, colonies, towns, factories, and other places, that shall be purchased and possessed by the company, shall be reputed as natives of this kingdom, and have the privileges thereof."

The stock or subscribed capital of the company was to be £600,000. When the books were opened in London, in October, 1695, the £300,000 offered to the English merchants was quickly subscribed. But the enterprise soon aroused the jealousy of the privileged English companies. The English Parliament presented an address to the King against it, and the books and documents of the company were seized by the orders of the House of Commons. At last, they concluded that the directors of the company were guilty of a high crime and misdemeanour, for attempting such a thing, and that Lord Belhaven and the other Scotch nobles, whose names appeared as directors should be impeached. These hostile proceedings alarmed the London subscribers, and they slipped out of the company by failing to pay the instalments of their shares, and thus forfeited their stock. But this action of the English rather irritated than discouraged the promoters of the concern in Scotland; it seemed to have touched the national pride of the Scots, and they pushed on their enterprise. One month after the denunciations of the English Parliament, the books were opened in Edinburgh; and on the first day, the 26th of February, 1696, more than £50,000 was subscribed;

and within five months £400,000 was subscribed. It seemed as if nearly all the realised capital of the nation had rushed into the project.

The company proceeded with remarkable energy. A house for conducting their business was erected in Edinburgh; and schemes of trading with Greenland, Archangel, and the Gold Coast, were considered; the possible improvements of machinery, the qualities of goods, and the exportable produce of the country were all under inquiry. Certainly the main points of the scheme presented a grasp of principles, a distinctness of conception, and a liberality of mind, which cast the mass of speculative trading adventures into the shade. The enterprise, as designed by Paterson, was to be conducted on free trade principles. He called on his countrymen to discard the narrow policy of British commerce; he contemplated a system for the good of mankind, and told his countrymen not to try to enrich themselves by making other nations poor, but to embrace such liberal policy as would be beneficial to all. His conduct throughout was that of a man of exceptional grasp of mind, and elevated above sordid considerations.

All the opposition of the English trading companies did not prevent the Scots from proceeding with their undertaking. The company purchased six vessels from the Dutch, and equipped them. On the 26th of July, 1698, three of their ships, with one thousand and two hundred men on board, sailed from Leith, amidst the tears and prayers of a vast concourse of people, all deeply interested in the success of the enterprise. On the 4th of November they landed at a point on the Gulf of Darien. They built a fort to command the Gulf, and marked two sites for towns, which they proposed to call New Edinburgh and New St. Andrews. They purchased the land which they occupied from the natives, and sent friendly messages to all the Spanish governors within their reach. Their first public act was a declaration of freedom of trade and religion to all nations.

But their privations soon began; and the causes of the failure of the undertaking are easily discovered. There was a lack of trading skill and experience among the emigrants; they had not a definite political organisation for the preservation of order, the prime requisite of all probable success. Further, there was no adequate provision made for sending instructions and receiving assistance from home, which was a lamentable want of foresight. From their arrival till June of the following year, they received no communication from

Scotland. It was too sanguinely believed that the colony had departed to a country abounding in the good things of life, and it was assumed that they could at least obtain food by the sale of their merchandise; but much of their stuff was damaged, and for the rest there was no market. By and by they began to feel the sad pressure of want, while the unhealthy influences of the climate told severely upon them, and the combined effects of insufficient food and pestilence rapidly reduced their numbers. The disheartening and trying task of burying their dead shortly arrested their energy; and when spring came, nothing but certain death awaited them if they remained. They, therefore, resolved to leave the settlement, and within eight months from the time they landed, they evacuated it. They placed themselves in their ships, which from the number of the sick and the enfeebled state of all, were only imperfectly manned. They sailed in June, 1699, two of their ships reaching New York in August; but two hundred of the men died on the passage, and those alive were almost exhausted, and few survived. The third ship landed in Jamaica.

At the very time when the baffled colonists were preparing to flee from pestilence, and leaving the settlement, the company at home was fitting out another expedition. Two ships sailed in May, 1699, and other four in the month of August, carrying the provisions and stores which should have been despatched sooner. In September, the same year, a third expedition was sent out, consisting of one thousand and three hundred men, with stores of merchandise and provisions. So little anticipation had the directors of the company of the sad tidings then coming to Scotland, that they commissioned a ship to seek out a new site for a second colony on the western coast of Africa. When the unwelcome rumour first reached the country, the news was received with incredulity and treated with scorn, as a weak invention of the enemy; but the disagreeable truth of the failure of the enterprise soon forced itself upon the nation. Then a storm of wrath arose among all classes of the people. The conduct of the English colonial governments, and the long silence of the King himself, who had been repeatedly addressed on the subject, but never had been moved to promise anything, was denounced. Still the company determined to persist in their undertaking, and the third expedition was instructed to join the second, which had sailed in ignorance of the fate of the first, and to retake the colony by force.

But the arrival of the second expedition at its destination quickly dispelled all the dreams which had been formed. They found the fort destroyed and the huts burned down, while the chief indication of their countrymen was their numerous graves. In the winter, their friends who had left Scotland in September joined them, but they were all in a desponding state of mind. Meanwhile the Spaniards were preparing to overthrow the settlement. After one successful military effort, in which a small body of the Colonists attacked and defeated a portion of the Spanish army, they were besieged both by sea and land. In March, 1700, they capitulated to the Spaniards, and left the colony; but only a few of them ever returned to their native country.

The failure of this settlement was the death-blow of the American and African Company of Scotland, and although they continued their trading on a limited scale for some time, almost the whole of their capital was absorbed and lost. This great loss to a poor country added much to the troubles at home, and was widely and severely felt. [27]

When the definite tidings of the final evacuation of the Darien settlement arrived in Scotland, the nation rose to a height of frenzy rarely manifested. The Jacobites were extremely wroth, and exerted themselves to the utmost to fan the national indignation as a weapon of opposition to the King and the Government. The national pride of the Scots was deeply wounded. They were strongly disposed to attribute the failure of the colony to the jealousy and the action of the English and the King, and they had some grounds for this. The Scots could not see that the causes of the failure of their trading company and its colony were mainly within itself, and were to be found in the natural result of a lack of foresight, of defective organisation, and their own mismanagement; but any thoughts of this were drowned amid the torrents of indignation which spread to every home in the kingdom. "When the news of the total abandoning of Darien was brought over, it cannot be well expressed into how bad a temper this cast the body of the people; they had now lost almost two hundred thousand pounds sterling upon this project, besides the imagined treasure that they had promised themselves from it; so that the

[27] *Darien Papers*, printed for Bannatyne Club; *A Collection of State Tracts published in the Reign of King William; A Defence of the Scots Settlement at Darien*, 1699; *Memoirs of Darien*, 1714.

nation was raised into a sort of fury upon it, and in the first heat of that, a remonstrance was sent about the kingdom for names, representing to the King the necessity of a present sitting of Parliament, which was drawn in so high a strain, as if they had resolved to pursue the effects of it by armed force. It was signed by a great majority of the Members of Parliament; and the ferment in men's spirits was raised so high, that few thought it could have been long curbed, without breaking forth into great extremities." [28]

Early in the year 1700 the directors of the company and the representatives of the shareholders resolved to address the King. They selected Lord Hamilton to present their appeal to his Majesty, but he was refused an audience, and reprimanded for his conduct. It was then proposed to present a national address to the King, requesting him to assemble Parliament, and to submit the affairs of the company to it; but this was met by a proclamation against addresses, which still farther roused the spirit of discontent and opposition to the Government. When the Parliament met on the 21st of May, 1700, the Duke of Queensberry, the royal commissioner, and the Earl of Marchmont, delivered speeches, and enlarged upon the good work which the Revolution settlement had accomplished, the gratitude due to the King for this, and his other manifold services to the Protestant religion and to Europe, and the imprudence of insisting on anything that would be likely to weaken his Majesty's influence and power. This was followed by an address from the directors of the trading company and their Darien settlement, and also by petitions and addresses from many of the counties and the towns, all complaining bitterly about the Darien colony and the great loss which the nation had suffered. It was moved that Parliament should resolve to maintain the new colony as a legal and rightful settlement, but the royal commissioner cut the discussion short by adjourning the Parliament till he should receive new instructions from the King. [29]

After this the opposition held a great meeting, and despatched an address to the King. The General Assemblies which met in 1700, and in 1701, proclaimed a national fast, with special reference to the calamity which the failure of the project had brought upon the nation. Another national address to the King was largely signed,

[28] Burnet's *History of His Own Time*, Vol. IV., p. 421.
[29] *Acts Parl. Scot.*, Vol. X., pp. 183, 195, and App., pp. 33-42.

but ere it reached him he emitted a proclamation of a vague description, and merely expressed his sympathy for the misfortunes of the Scots. [30]

Parliament reassembled in the end of October, 1700, but the members were not satisfied with the King's letter. It expressed sympathy and regret for the loss sustained by the African Company, and even offered aid, and promised to support any new projects calculated to promote the national prosperity. But the King stated distinctly that he could not agree to the assertion of the right of the company's colony in Darien, though very willing to assist them in other ways.[31]

Parliament was soon overwhelmed with addresses and petitions from all ranks and every quarter of the kingdom. The majority of the house supported the petitions, and moved and adopted resolutions condemning the interference of the English Parliament, and the proclamations issued against the interest of the Darien settlement by the governors of the English colonies. Several pamphlets which appeared touching and reflecting on the Darien settlement, were denounced in Parliament as scandalous and caluminous libels, and they were ordered to be burned by the hand of the common hangman at the Market Cross of Edinburgh. The indignation in Parliament and outside continued, and after much debate the address to the King concerning the Darien settlement was carried by one hundred and one votes to sixty-one, on the 17th of January, 1701. It is a well-drawn and able paper, and presented a complete vindication of the company, and of the legality and lawfulness of their Darien settlement, a true and fatal impeachment of the proceedings of the King and his English Parliament in the matter. It gave a concise *résumé* of the whole concern.[32] Besides other points, the address contained four resolutions :—1. The votes and proceedings of the English Parliament touching the company, which were condemned as an undue interference in the affairs of Scotland, "and an invasion upon the sovereignty and independence of our King and parliament." 2. Declaring that the action of the English Envoy at Luxemburg, which was injurious to the interest of the company, "contrary to the

[30] *Carstairs' Papers*, pp. 514-523, 525-531, 533, 538, 543-547, 551-580, 582, *et seq.*

[31] *Acts Parl. Scot.*, Vol. X., pp. 196, 201.

[32] *Acts Parl. Scot.*, Vol. X., p. 208, 241, 242, 244-246, 248-251, and App., pp. 73-92.

law of nations and an open encroachment upon the sovereignty and independence of this Crown and Kingdom." 3. Condemning the proceedings and the proclamations emitted by the governors of the English plantations against the Darien Colony. 4. Declaring that though the settlement in Darien was formed in exact conformity with the company's Act of Parliament, the Spaniards had treated the colonists as enemies and pirates; "that our Indian and African Company's Colony of Caledonia in Darien, in the Continent of America, was, and is legal and rightful."

The attitude of Scotland was becoming threatening and extremely troublesome to the English government. The plan of a complete union was again attempted, but the difficulties on both sides were great and constantly deepening. The relations between the two kingdoms were strained and pressing, and a bill for appointing commissioners to treat concerning a union was passed in the House of Lords on the 25th of February, 1700, and sent to the House of Commons. But at the second reading in the Lower House it was thrown out. The King saw clearly that the only way of maintaining peace in Scotland was by a union of the two nations; and on the 28th of February, 1701, he reminded the House of Commons of his proposal regarding the union. But the King died on the 8th of March, 1702.

The accession of Queen Anne was hailed with applause both in England and in Scotland. The Revolution Parliament, which had lasted throughout the reign of William, reassembled at Edinburgh on the 19th of June, 1702, passed resolutions touching the Darien concern, and appointed commissioners to treat with England on the proposal of a union between the two kingdoms. The English Parliament passed a bill authorising the appointment of commissioners to treat of the union, and the commissioners of both nations opened their proceedings on the 10th of November, 1702. It soon became manifest that the admission of the Scots to equal trading rights was the chief difficulty on the south side of the Tweed. The first point concerning the succession to the throne was shortly agreed to; and the second, stipulating that there should be only one legislature for the United Kingdom. But when the Scotch commissioners insisted on equal trading advantages the old difficulty reappeared, the Scots insisting on free trade between the two kingdoms, and that this should be considered without reference to existing companies. They held many meetings, but could not agree on the trading privileges;

and on the 3rd of February, 1703, they were adjourned by the Queen, and met no more.

In the spring of 1703, Scotland was greatly agitated by the elections for the new Parliament summoned by the Queen. The Jacobites exerted themselves to the utmost, and succeeded in returning a considerable number of their party. The new house met on the 16th of May. The Duke of Queensberry presented himself as royal commissioner, and the business of this memorable parliament began in earnest. All the laws in favour of presbyterianism were ratified, and it was declared to be high treason to speak against the Claim of Right. The Earl of Strathmore proposed a bill for the toleration of all Protestants, but it was rejected.

Parliament then proceeded to deal with the secular affairs which had filled the national mind for several years, and a series of rather alarming acts were passed. One act announced that the sovereign had no right to make war on the part of Scotland without the consent of the Scotch Parliament; and another—at which the Jacobites rejoiced—removed the restrictions upon the importation of French wines, thus opening up a trade with the enemy of England. Some proposals of a republican character were mooted, Fletcher proposing to take the patronage of offices from the Crown and place it in the hands of Parliament.

On the act for the security of the kingdom there was a long and vehement debate, from the 28th of May to the 16th of September, but at last it was carried by a majority. Its main points enacted that on the demise of the Queen without issue, the Estates were to appoint a successor from the Protestant descendants of the royal line of Scotland; but the recognised successor to the throne of England was directly excluded from their choice, unless such conditions of government was settled as would secure the honour and sovereignty of this kingdom, and free religion and the trade of the nation from English or any other foreign influence. The coronation oath was not to be administered without instructions from Parliament, under the penalty of high treason. Another clause of the act commanded that the nation should be immediately placed in a state of defence, and all the able-bodied men mustered under their usual leaders. The royal assent was refused to this act, which raised another storm of denunciation against the English. Some of the members talked of rather dying like freemen than living as slaves; and when attempts were made to stem their passions, they said, if denied the freedom of

expressing their opinions and wishes in Parliament, they would proclaim them with their swords.[33]

This fierce antagonism between the two kingdoms could not endure, and in the face of all obstacles the Union was approaching. Parliament reassembled on the 6th of July, 1704. The Marquis of Tweeddale was royal commissioner; and the Queen's letter expressed the gravity of the situation. She appealed to Parliament to settle the succession, but they directly passed a resolution not to name a successor to the Crown till a satisfactory treaty with England for the regulation of trade was concluded, and meanwhile adopted measures to secure the independence of the kingdom. The Act of Security was again passed, and now received the royal assent. Under this act the Scots began to arm, and once more prepared in earnest to give battle to their enemy, if he should finally refuse to accede to reasonable demands.[34]

The English Parliament in 1705 passed an act authorising a treaty of Union to be negotiated between England and Scotland. The Crown was empowered to appoint commissioners to meet and treat with any body of commissioners authorised by the Scotch Parliament, and to place the result of their proceedings before the Queen and the parliaments of both kingdoms. The last clause of the bill restricted the commissioners from making "any alteration of the liturgy, ceremonies, discipline, or government of the Church, as by law established."

The Scotch Parliament met at Edinburgh on the 28th of June, 1705, and the proposal of the English Parliament for a Union was to be the great business before it. There was a change in the ministry, and the Duke of Argyle appeared as the royal commissioner. He was deemed the most likely man to promote the important measure which had become necessary for the security, happiness, and civilisation of the people. The task, however, was still surrounded with many difficulties. The Jacobites were a strong and compact party, determined to oppose the Union at every step; and if possible to defeat all attempts to settle the Crown on the Revolution principles. But a majority of the Parliament resolved to hold to the demands for free trade and colonial rights: these were the views of the National party led by Fletcher, and yet some of the chief men of this party were strongly opposed to the incorporating provisions

[33] *Acts Parl. Scot.*, Vol. XI. [34] *Ibid.*

of the Treaty. In the early part of the session various acts were introduced and discussed, touching the currency, the herring fishing, prohibiting the importation of goods, and other matters connected with trade; but the subsequent and more important resolutions regarding the Union rendered these of less importance.[35]

On the 13th of July, a draft of the act and commission for the treaty with England was read in Parliament; and on the 25th of August, it was again brought before the house. A long and hot debate ensued on it, and several amendments were proposed. But on 1st of September the act was carried, authorising the appointment of commissioners; the Duke of Athole, with a considerable number of followers protesting. The same day the question of who should nominate the commissioners was brought up. Were they to be appointed by Parliament, or referred to the discretion of the Queen? The Duke of Hamilton moved that the nomination of the commissioners should be left to the Queen. Fletcher of Saltoun bitterly opposed this, and the Jacobites joined him with all their might; the point was warmly debated, but in vain. Hamilton's motion was carried by a majority of forty. The Duke of Athole again protested, and the Jacobites adhered to him.[36] The Jacobites were extremely enraged at this vote, as they considered it the key of the position; and one of their leaders who recorded his protest along with Athole, expressed his judgment of the matter in these words:—"From this day we may date the commencement of Scotland's ruin; and any person that will be at the pains to reflect upon the management of this affair must be the more enraged when he sees how easily it might have been, and yet was not, prevented: for if the first restricting clause (which was lost by the unaccountable neglect of some members) had been carried, we should not have had one word more of the Treaty; or had the nomination been left to the Parliament, those of the commissioners that represented the barons would have been so well chosen that they might easily have obstructed the Treaty from being brought to such a conclusion as afterwards happened."[37]

The scope of the act indicated the general object of the Treaty. But it contained one special condition, "that the commissioners shall not treat of or concerning any alteration of the worship, discipline,

[35] *Acts Parl. Scot.*, Vol. XI., pp. 205, 213-219, *et seq.*; Hume's *Diary*, pp. 62-70.

[36] *Acts Parl. Scot.*, Vol. XI., pp. 218, 224, 235-237; also App., pp. 83, 86-87; Hume's *Diary*, pp. 70-71.

[37] Lockhart's *Memoirs*, Vol. I., pp. 133-134.

and government of the Church of this kingdom, as now by law established."[38]

The number of the Union Commissioners was thirty-one on each side. On the Scotch side the Queen or her advisers had exercised a marked discretion in naming the list of Commissioners. A well-considered effort was certainly made to represent all the different parties of the nation; even the Jacobites were represented by one of their ablest men, Sir George Lockhart of Carnwath. This Jacobite leader gives a list of the names of all the Commissioners on both sides, and adds the following remarks on them:—"All these were of the Court or Whig interest, except Mr. Lockhart in the Scots, and the Archbishop of York in the English commission. This last, as was reported, was named merely out of respect to the dignity of the office he bore, but would not be present so much as once at the Treaty; the other because being my Lord Warton's nephew, they expected to carry him off. And as he was surprised at his being named, so he had no inclination for the employment, and was at first resolved not to have accepted it; but his friends and those of his party believed he might be serviceable by giving an account how matters were carried on, and prevailed with him to alter his resolution. . . . And having communicated to them his difficulties, he desired their advice and direction how he should behave, and particularly whether or not he should protest and enter his dissent against those measures, being resolved to receive instructions from them as a warrant for his procedure, and to justify his conduct; to whom they all unanimously returned this answer, that if he should protest, he could not well continue longer to meet with the other commissioners; and if he entered his dissent, it would render him odious to them, so as he would be utterly incapable to learn anything that might be useful afterwards in opposing their designs; whereas if he sat quiet, concealed his opinions as much as possible, they expecting to persuade him to leave his old friends and party, would not be so shy, and he might make discoveries of their designs, and thereby do a singular service to his country. Therefore they agreed in advising him neither to protest nor dissent, nor do anything that might discover his opinions and design, but to sit silent, making his remarks of everything that passed, and to remain with them as long

[38] *Acts Parl. Scot.*, Vol. XI., p. 295.

as he possibly could; and then at last, before signing of the result of the Treaty, to find some excuse or other of absenting himself."[39]

The difficulties of the task before the Commissioners were enormous. Almost every kind of conflicting interest which absorbs the human mind, the opposition springing out of national pride and vanity, a mass of traditional and inherited prejudice, and adverse sentiments and feelings—the growth of ages—all had to be set aside and overcome. Thus it was, that when the Union was concluded, the diverse elements, adverse to its spirit, were so great in Scotland, that a generation or two passed away, ere the blessings and advantages of it to the people of this kingdom began to be fully appreciated and recognised. Indeed the Jacobite party believed and proclaimed that Scotland was utterly ruined by the Union; while many others, not influenced by party feelings, were strongly disposed to take the most gloomy view of what proved to be one of the most beneficial events in the history of the country.

The Commissioners met at Whitehall on the 16th of April, 1706. There had before been many attempts to form a union of the two kingdoms, but this time the Commissioners on both sides really wished to accomplish it; and they were fully impressed with the vast importance of the matter, and prepared to make every reasonable concession for the mutual advantage of both nations. Their proceedings from beginning to end bore the impress of sincerity and earnestness. They proceeded systematically, and approaching the subject before them step by step, acted with great tact and judgment. Their whole proceedings form an admirable specimen of methodical negotiation, and the arduous undertaking was completed on the 23rd of July. Before putting the Treaty into the form of articles, they had to discuss and to deliberate on many subjects and complicated points: such as the relative taxation, the customs, the excise, and the revenue of both kingdoms, the coinage, weights and measures; the number of the Scotch representatives in the united Parliament in both the Upper and in the Lower Houses; and many other difficult questions touching political relations and organisation. According to the terms of the commission, a copy of the Treaty was presented to the Queen, and her Majesty made the following speech:—"My Lords, I give you thanks for the great pains you have taken in this Treaty,

[39] Lockhart's *Memoirs*, Vol. I., pp. 141-3.

and am very well pleased to find that your endeavours and applications have brought it to so good a conclusion. The particulars of it seem so reasonable, that I hope they will meet with approbation in the Parliaments of both kingdoms. I wish, therefore, that my servants of Scotland may lose no time in going down to propose it to my subjects of that kingdom; and I shall always look upon it as a particular happiness, if this Union, which will be so great a security and advantage to both kingdoms, can be accomplished in my reign."[40]

It was agreed to take the first legislative sanction of the Treaty in Scotland, with the aim of soothing the opposition which it was sure to encounter. The Scottish Parliament was therefore assembled at Edinburgh on the 3rd of October, 1706, to hold its fourth and last session. The Earl of Queensberry was appointed Royal Commissioner, and the Earl of Mar, Secretary of State; the latter was well informed about the designs of the Jacobite party. According to Lockhart, "Mar gained the favour of all the Tories, and was by many of them esteemed an honest man, and well inclined to the royal family. Certain it is, he vowed and protested so much many a time; but no sooner was the Marquis of Tweeddale and his party dispossessed, than he returned as the dog to his vomit, and promoted all the Court of England's measures with the greatest zeal imaginable. . . . His great talent lay in the cunning management of his designs and projects, in which it was hard to find him out."[41] A great and sustained effort was made in many parts of the kingdom to arouse popular feeling and passion against the Union, and some strange combinations were attempted; some of the Cameronians were ready to assume a form of opposition which exactly suited the Jacobites, though when they came to act side by side with their old enemies, they began to see their folly.

A large number of pamphlets and papers were published against the Union, and circulated throughout the country, which appealed to every prejudice and feeling that was likely to rouse the passions and wrath of the populace. The religious sentiments and convictions of the people were industriously stirred. Those who were proud of the deeds of their ancestors and of national glory, were emphatically told that the ancient renown and independence of the kingdom was to be extinguished for ever. Many past generations of Scotsmen had fought and struggled for their rights, their liberties, and their

[40] *Acts Parl. Scot.*, Vol. XI., App., pp. 161-191. [41] Lockhart's *Memoirs*.

freedom, endured hardship, persecution and every form of privation; but now the degenerate sons of such a brave and noble race were about to barter away their glorious inheritance. What a disgrace, to be stigmatised by all succeeding ages to the end of time!

Though the outside pressure against the Union was strong and bitter, the government was well prepared to meet it. Many addresses and petitions were presented to Parliament against the Union, but of course there were petitions in favour of it, and the Church threw her influence on the side of the government; still it seemed that the volume of popular feeling was with the opposition, and Parliament began its arduous work amid threatening circumstances.

In the Queen's speech to the Estates the following sentence occurs: —"The Union has been long desired by both nations, and we shall esteem it as the greatest glory of our reign to have it now perfected, being fully persuaded that it must prove the greatest happiness of our people." At the first sitting, the Treaty was read and ordered to be printed, and copies delivered to the Members of Parliament, while the minutes of the Union Commissioners were ordered to be printed. On the 12th of October, the articles of the Treaty were read one by one, and then discussed at the different sittings from the 12th to the 30th of the month, making suggestions as they proceeded, but taking no divisions. A mob had threatened and insulted several of the members on the streets of the capital on the 23rd of October, and a party of the foot-guards had to be called out to quell the disturbance, and to protect Parliament, but no lives were lost.[42]

The first real effort of the opposition was made on the 4th of November, when it was moved that a vote should be taken on the first article of the Treaty of Union, upon the understanding "that if the other articles of the Union be not adjusted by the Parliament, then the agreeing to the first one shall be of no effect," and that immediately after settling the first article, Parliament proceed to an act for securing the doctrine and the government of the Established Church. A long debate ensued. The Duke of Hamilton delivered an animated speech on Scottish nationality; Seton of Pitmedden spoke in favour of the Union in a calm and well-reasoned speech; but the great speech of the night was Lord Belhaven's. It was a long torrent of denunciatory rhetoric against the Union, delivered with passionate vehemence. It seems to have produced little im-

[42] *Acts Parl. Scot.*, Vol. IX., pp. 300-311.

pression on the members; but it was intended more for the outside public than for them, and was widely circulated amongst the people. A sentence or two may be quoted:—"I see the English constitution remaining firm; the same Houses of Parliament; the same taxes, customs, and excise; the same trading companies, laws, and judicatures; whilst ours are either subjected to new regulations, or are annihilated for ever. And for what? that we may be admitted to the honour of paying their old arrears, and presenting a few witnesses to attest the new debts, which they may be pleased to contract. Good God! is this an entire surrender? My heart bursts with indignation and grief, at the triumph which the English will obtain to-day, over a fierce and warlike nation that has struggled to maintain its independence so long!" An amendment was proposed, declaring that the nation was averse to an incorporating union; that if it was accepted by Parliament in its present form, instead of bringing peace it would cause dismal distractions among the Scots themselves, and fatal breaches and confusion between the two nations; and therefore it was proposed to retain the sovereignty and independence of the monarchy, the fundamental constitution of the government as established by the Claim of Right and the laws of this kingdom. After this amendment was debated, the motion put to the house was, "Approve of the first article of the Union—yes or no." Before the vote was taken, the Duke of Athole protested for himself and his adherents, that an incorporating union as proposed in this Treaty "is contrary to the honour, the interest, the fundamental laws, and the constitution of this kingdom; the birthright of the peers, the rights and privileges of the barons and the burghs, and the property and the liberty of the subjects." The motion for approving the article was then put and carried by a majority of thirty-three; and throughout the subsequent proceedings on the Union, the government retained about this majority, in spite of all the efforts of the Jacobites.[43]

From this date till near the end of December, at almost every sitting addresses were presented and read against the Union. On the 30th November, a printed paper was laid before parliament, entitled, "An Account of the Burning of the Articles of the Union at Dumfries. Bearing the declaration read and affixed on the Market Cross thereof by the crowd assembled on that occasion.

[43] *Acts Parl. Scot.*, Vol. XI., pp. 312-315.

And it being moved, that inquiry should be made as to who had been the printer and the ingiver of this scurrilous paper, and that it be burned by the hands of the hangman, it was left to the committee to call for the magistrates of Edinburgh, and to make inquiry and trial touching the ingiver of this paper;" and "Ordains also, that this scurrilous print be burned at the Market Cross of Edinburgh, on Monday next, between eleven and twelve in the forenoon. And the magistrates of Edinburgh appointed to see the orders punctually executed."[44] But the Treaty was pressed forward, and on the last day of November they had reached the eighth article, and remitted it with some of the preceding ones to a committee. Amendments and additions were made to some of the articles, and a clause was inserted in the Treaty definitely stating that the Presbyterian Church should continue unalterable in her worship, doctrine, and government, "to the people of this land in all succeeding generations."[45]

The parts of the Treaty relating to trade and commerce were generally satisfactory to the Scots, and were adopted with slight modifications. The nineteenth article of the Union sanctioned the retention of the judicial organisation of Scotland. The weakest point of the Treaty was the twentieth article, which affirmed "that all heritable offices, superiorities, heritable jurisdictions, offices for life, and jurisdictions for life, be reserved to the owners thereof, as rights of property, in the same manner as they are now enjoyed by the laws of Scotland, notwithstanding of this Treaty." Probably the Scotch nobles would not have submitted to the curtailment of these rights which had descended to them from remote ages, for they were very proud, and placed a high value on their privileges.[46]

The Jacobites resolved to make their last grand effort to defeat the Union on the twenty-second article, which apportioned the share of representation from Scotland in the Imperial Parliament. This article was read on the 7th of January, 1707, and the debate continued through four sittings. It was vehemently discussed point by point, and six protests were entered against the first paragraph, which were followed by more menacing counter-protests as each clause

[44] *Acts Parl. Scot.*, Vol. XI., p. 344.

[45] *Acts Parl. Scot.*, Vol. XI., pp. 316-344, 413.

[46] *Acts Parl. Scot.*, Vol. XI., pp. 345-385. A good illustration of the peculiar pride of the Scotch nobles may be seen in the records of parliament. At the opening of almost every session a number of them protested regarding the precedence of their names on the rolls of parliament.

of the article was carried. The fierce and noisy proceedings of the Jacobites were unavailing, as the article was finally carried on the 10th of January. The same day an address from the citizens of Perth against the Union was presented and read in the House.[47] The remaining articles of the Union were passed on the 14th of January; and on the 16th an act was passed approving and ratifying the Treaty of Union by a majority of forty-one.[48]

The twenty-second article of the Union limited the representation of Scotland to forty-five members in the House of Commons of the United Kingdom, and to sixteen peers in the House of Lords. Parliament next proceeded to frame regulations for returning their representatives to the British Parliament, should the Union be carried in England. After some debate, it was agreed that the representative Peers from Scotland in the United Parliament should be chosen by election, in the form still followed. At every general election, when the new Parliament is returned, the body of the Scottish Peerage meet at Holyrood, and elect sixteen of their own number to represent them in the House of Lords. The forty-five Scotch members to be sent to the House of Commons were divided between the counties and the burghs thus—fifteen were given to the burghs and thirty to the counties; Edinburgh got one representative to itself, and the other burghs were classed into fourteen groups. The body of electors in Scotland after the Union was not numerous; but the election of the representatives from Scotland to the first United Parliament was not left with them. By an act of the Estates, the members of the Union Parliament themselves elected the representatives to the first Imperial Parliament, in the same way as

[47] *Ibid.*, Vol. XI, pp. 386-387; Lockhart's *Memoirs*, Vol. I., pp. 206-220. It is now curious and amusing to read the sentiments of the Jacobites on the Union which was to bring certain ruin upon the nation. "It is not to be expressed what a rage all those that had been upon the concert, nay, I may say, the whole nation, were in, to see the Duke of Hamilton thus three times, one after another, break the designs and measures that were laid down for opposing the designed slavery of the nation. . . . The courtiers were resolved not to swallow a cow and stick at the tail; and as they had begun, carried on, and finished their projects, contrary to all the ties of justice and honour, and the welfare of the country, so they continued the same well-pathed road, and commenced the Union with as great an invasion upon the rights of the subject, by depriving them of the powers of naming their own representatives, as ever was done to a free people."—*Ibid.*, pp. 214-221.

[48] *Acts Parl. Scot.*, Vol. XI., pp. 399-406.

committees were usually chosen. Some other matters were arranged; and on the 25th of March, the Royal Commissioner having addressed a few words to the members, parliament was adjourned and met no more.[49]

On the 28th of January, 1707, the Queen intimated to the English Parliament that the Union had been ratified in Scotland, and she directed it to be put before the House. The Treaty passed through both Houses without encountering much opposition, and on the 6th of March it received the royal assent, and henceforth became a part of the Constitution of the United Kingdom.

Viewing the Union as a mean to an end, and excepting the Battle of Bannockburn, and the Reformation, there is scarcely an event in the history of Scotland, which has had more effect on the welfare of the people than it. From an industrial and commercial standpoint, it exceeded in importance any other event in the preceding history of the nation. In short, the Union rendered the future development of civilisation in Scotland more easy, more rapid, and more complete, as it immensely widened the field of trading and commercial enterprise to the Scots, and directly tended to afford greater security to them at home and abroad. The Scots had always a fund of energy and power of endurance, but external obstacles and surrounding circumstances had long retarded their progress; hence when the nation was placed under more favourable external conditions by the Union, and the people once fairly began to embrace these advantages, they advanced in wealth and in civilisation with remarkable speed.

[49] *Ibid.*, pp. 415-421, 491, 431, 485, 491.

CHAPTER XXIX.

Causes of Disaffection: Risings of 1715 and 1745.

NO reasonable historian of the present age would maintain that the Union was not a wise and beneficial measure; yet such were the circumstances of the Scots, that nearly half a century passed ere they were able to take the full advantage of it. So vast a change could not be effected without rousing passions and bitter feelings in the hearts of many, which nothing but time could efface. To give a brief exposition of the causes of this will be the aim of the present chapter.

It was the earnest desire of the Scots to obtain equal commercial rights which made the Union possible and endurable. Prior to the Union the Scots were permitted to trade only where the English Government thought fit; while after it there was no limitation—their ships might trade with the remotest quarters of the world. Another very important arrangement was the coinage. In 1708 the Scottish coins were finally called in, and preparations were made for a coinage exactly on the method of the English mint. Thus one of the good results of the Union was soon obtained; as the convenience and advantage of only one coinage and standard of money for the Island is obvious.

Although the Scots relinquished their separate legislative power, they gained a position and share in the government of a larger nation, and in the honour and glory of the British Empire. As they retained their own laws and legal organisations, and their religious and educational institutions, the great change implied in the Union embraced many elements of moral advantage. Scottish nationality and patriotism have continued essentially unimpaired, but much of its prejudice and narrowness, which the strife of preceding ages had generated, has been slowly thrown off. It is always true that a people's own country and affairs are of prime importance to them; yet a people which limited all their faculties and energies to the internal affairs of their own country, would be emphatically characterised as a narrow-minded and unsympathetic community. If all

our political institutions and social organisations were expressly framed and exclusively directed to this one end, it would manifest a weak and contemptible ideal of humanity. From these and many other considerations, it appears that the Union afforded inestimable moral benefits.

The Union conferred many advantages, but it also entailed disadvantages, in political and legislative relations. It might be assumed that the united deliberation and counsel of the British Parliament would be more competent to frame wise and useful legislative measures than a Scottish Parliament. This would depend on the accuracy of the information which the British Parliament possessed concerning the opinions and convictions of the Scottish people and of their institutions, as, from a lack of this, it has occasionally inflicted pain and injustice on the people. An instructive instance occurred after the rising of 1715, touching the disposal of the forfeited estates. Parliament placed the control of the matter in the hands of a Commission, which proceeded to sell the estates. A number of creditors, however, who had claims on the estates applied to the Court of Session, and sequestration was granted. The Commissioners entirely failed to understand this proceeding, and complained to the Government that they were prevented from discharging their duty by a body calling itself the Court of Session; and therefore they asked the Government to increase their powers. The British Parliament passed an act which ignored the jurisdiction of the Court of Session, in direct violation of the stipulations of the Union, and in spite of the protest of the Scotch judges.

In finance and fiscal arrangements the British Parliament has not generally treated Scotland worse than England. Although, for a generation or two after the Union much irritation was caused by changes and rearrangements in this branch of government, of which a few examples may be narrated. Ale was a staple necessary in the domestic economy and trade of the nation. At the time of the Union there was no malt tax in Scotland, but there was a duty on liquor. In 1713 a malt tax of 6d. per bushel was imposed upon Scotland, though the Scotch members in both Houses of Parliament determinedly opposed it. At this date there were upwards of five thousand maltsters in Scotland; and in June the tax was ordered to be enforced. "But such was the general and determined resolution of the inhabitants not to submit, that the officers of excise for several years were everywhere refused access to survey and charge the duty;

and that when charged it was never paid, nor could it be recovered by proceedings at law, as the justices of peace in all the counties refused to act. The consequence was that, during the twelve years after the 24th of June 1713, while the tax continued at 6d. per bushel, the duty actually levied amounted to a mere trifle, and fell considerably short of the necessary expense attending this branch of the revenue."

In 1724, the Government wished to raise £20,000 by a tax on Scotch ale. Parliament passed an Act proposing to levy 6d. per barrel on ale instead of the malt tax, and to exclude the Scots from the bounty on exported grain, which was to be continued in England. The nation vehemently resented the proposal, and protested against it. The Jacobites used every means to fan the wrath of the people against the Government, and there were signs of an outburst of violence. It was relinquished, and a malt tax of 3d. per bushel imposed. As £20,000 had to be drawn from the Scots, it was enacted that, if the tax of 3d. failed to produce the amount, it must be made up by a surcharge on maltsters.

The Act came into operation in June, 1725, and the citizens of Glasgow manifested a sullen attitude when the excisemen were preparing to enforce it. The following day they appeared in crowds on the streets; and the magistrates having failed to disperse them, a party of soldiers were called into the city. Shouts were raised against Campbell of Shawfield, their member of parliament, who was suspected of having assisted the Government. They said, as he had already betrayed them, now he was to enslave them beneath a military yoke, and slay them if they resisted. At night they attacked his house and laid it in ruins. Next morning the mob appeared and jeered at the soldiers on guard; and their Commander ordered them to turn out and form square, and, without the authority of the Provost, commanded them to fire on the crowd. Eight of the citizens were killed and many wounded. The crisis was reached. The people ran to an old armoury, and having armed themselves, at once presented so threatening a front that it was feared all the soldiers would be massacred, but the officer marched them to Dumbarton. A regiment of infantry, seven troops of dragoons, and a company of Highlanders, from General Wade's force, were sent into Glasgow, and quietness was restored. Criminal proceedings were instituted, and the magistrates of Glasgow were seized and imprisoned in Edinburgh. The charges against them were abandoned; but a few of the rioters

were punished. The captain in command of the party who fired upon the crowd, was tried and condemned, but received a royal pardon. The citizens of Glasgow were deeply offended; while the Jacobites were jubilant.

In Edinburgh the opposition to the malt tax assumed a determined form. All the brewers resolved to cease brewing. The Lord Advocate lodged a complaint against them in the Court of Session, and the Court ordered them to proceed with their work as usual. They refused, and some of them were imprisoned; but at last they yielded. These proceedings were only the first of a series of excise difficulties which continued for more than a hundred years. In some parts in the north and west the practice of smuggling whisky was quite common till well into the first quarter of the present century. The smuggling brew houses were often beside a fresh spring or stream of water, in out of the way glens and hill sides, where no one could find them without searching carefully; but in general they were small and rudely constructed. The whisky smuggler usually stored his malt in a square pit on a hill among long heather and at some distance from his brewing house.

From the date of the malt tax riots, till about the end of the eighteenth century, smuggling in various kinds of goods was rather common in Scotland, although the burgesses of the trading burghs generally protested against it. "In place of pursuing fair trade, they universally, with the exception of Glasgow, Aberdeen, and a few other places, took to smuggling; their small stock they invested in goods that bore high duties, and under the favour of running these secretly on our wide and ill-guarded coasts, they flattered themselves that they should soon grow rich, profiting at least off the high duty, which by running they were to save. . . . The smuggler was the favourite. His prohibited high duty goods were run ashore by the boats on whatever part of the coast he came near; when ashore, they were guarded by the countrymen from the custom-house officers; if seized, they were rescued, and if any seizure was retained and tried, the juries seldom failed to find for the defendant." [1]

The chief aim of the Jacobite party was to encourage the discontent of the people, and to frustrate the policy of the Whig government.

[1] Lockhart's *Papers*, Vol. II., pp. 162-168: *Some Considerations on the Present State of Scotland;* Clelland's *Annals of Glasgow.*

In Scotland they were still a strong party, numbering among their adherents some of the nobles and many of the gentry, and the body of the episcopal clergy, who in the northern parts of the country commanded considerable influence. Their plots and schemes to restore the exiled house of Stuart were incessant; while other occasions of irritating the Scots naturally arose in connection with the new revenue system. The English introduced their own modes of collecting duties and customs, and what was far more offensive, the taxes were greatly increased. The Jacobites loudly proclaimed that what they had predicted—the ruin of the nation—was coming to pass.

Shortly after the Union some disputes arose between the Established Church and the episcopal clergy, which strengthened the Jacobite party. In 1710, the Whig government fell, and was succeeded by the Tories, and this change had some influence upon the affairs of the nation. Reports had been spread that Englishmen living in Scotland could not have the English service read to them, or their children baptised, without going to a presbyterian minister and signing the Confession of Faith. In 1712, the Imperial Parliament passed an act of toleration for the episcopal denomination in Scotland, in the exercise of their worship; and also repealed an act of the Scotch parliament against irregular marriages and baptisms. The act was carried in both Houses of Parliament by a large majority. But one clause of it required that the episcopal and presbyterian clergy both, should take the oath of adjuration, and pray for the Queen by name. By another clause of the act, the authority of the Established Church was limited to her own members, the power of summoning dissenters before her courts under penalties was taken from her.

The Government directly passed another bill which restored the right of patronage. This point, as we have seen, had been repeatedly considered by the Church since the Reformation; and from the date of the act of Queen Anne's government to a recent period, patronage has been a source of the bitterest disputes and divisions in the Church of Scotland. It was introduced and passed by the influence of the Jacobite party, and it succeeded admirably in augmenting the disturbing elements in Scotland. Burnet expressly states that clauses were put into the toleration act with the intention of provoking the Scotch presbyterians. "One clause put into it occasioned great complaints; the magistrates, who by the laws were obliged to

execute the sentences of the judicatories of their Church, were by this act required to execute none of them. It was reasonable to require them to execute no sentences that might be passed on any for doing what was tolerated by this act, but the carrying this to a general clause took away the civil sanction, which in most places is looked on as the chief, if not the only strength of Church power. Those who were to be thus tolerated were required, by a day limited in the act, to take the oath of adjuration; it was well known that few, if any of them, would take that oath; so, to cover them from it, a clause was put in this act requiring all the presbyterian ministers to take it, since it seemed reasonable that those of the legal establishment should be required to take that which was now to be imposed on those who were only to be tolerated. It was well understood that there were words in the oath of adjuration to which the presbyterians excepted." Regarding the patronage act, he says: "By these steps the presbyterians were alarmed, when they saw the success of every motion that was made on design to weaken and undermine their establishment."[2]

As many of the patrons were Episcopalians, it was feared that they might use their right of presentation to advance the interest of their own party; and the vaunting tone of the Jacobites gave colour to this suspicion. The most obnoxious part of the Toleration Act was the adjuration oath, imposed upon all the ministers; and those who took it abjured the Pretender, but promised to support the succession to the Crown as settled by specified acts of the English Parliament. According to these acts, the occupant of the throne must belong to the communion of the Church of England; and this was an obstacle to the presbyterians, because if they took it, they implicitly sanctioned a form of church polity which they repudiated. As the law required that the oath should be taken, many of the ministers were greatly annoyed. At last it was concluded to give an explanation of the sense in which they understood it, and then take it under protest; but a number of them declined to take it under any conditions, and in the end the government ceased to enforce it. A few years later, the oath was altered and a new form adopted, containing a plain declaration of allegiance to the Hanover settlement,

[2] *Parliamentary History of England*, Vol. VI., pp. 1126-1129; Lockhart's *Memoirs*, Vol. I., pp. 378-387; *History of His Own Time*, Vol. VI., p. 98.

and a renunciation of the title of the banished dynasty, thus freeing it from the objectionable features of the former oath.[3]

In the latter years of Queen Anne's reign, the Jacobites had been gaining ground in Scotland, but they had very little hold upon England; hence they made the northern part of the United Kingdom the field of their subsequent attempts to restore the exiled family. The Queen died on the 1st of August, 1714; thereupon the Elector of Hanover ascended the throne, under the title of George I. The accession of the new king was received with general satisfaction among the Presbyterians of Scotland, and he endeavoured to deserve their support. When the General Assembly met in May, 1715, he thanked them for the expression of their loyalty, and explicitly stated that he would maintain the Church of Scotland in all her rights and privileges.[4]

Though the Jacobites were not prepared for active operations themselves, they had hopes of external aid. The Earl of Mar, as we have seen, was on the Whig side at the Union proceedings, but he was a shifty politician, and was Secretary of State for Scotland in the Tory Government of Bolingbroke. While in this office, he was entrusted with the distribution of sums of money among the Highland clans, voted by the government, for keeping them quiet; this gave him some influence over the chiefs, and partly explains their readiness to enter into his scheme of restoring the Pretender. If Mar himself had obtained full recognition from George I., and a post in his government, which he anxiously desired, he would not have headed a rising of the Jacobites; but on finding himself neglected, he then determined to be revenged. Mar left the Court of George I. in the beginning of August 1715, landed in Fifeshire, and proceeded to Braemar, whence he issued invitations to the chiefs to join him in a hunting party in his forest of Mar. He reached Invercauld Castle on the 22nd of August; and on the 26th he met his followers and friends in Braemar. He was joined by the Marquis of Huntly, the Marquis of Tullibardine, and the Earls of Seaforth, Southesk, Nithsdale, Stormont, Earl Marischal, and other nobles, and a number of the Highland chiefs. As the rising spread some of the nobles in the North of England joined it, Mar himself assuming the chief command.

Mar unfurled the standard of revolt on the 6th of September, at Castletown of Braemar, and marched by Dunkeld. He entered Perth on

[3] *Acts of the General Assembly.* [4] *Ibid.*

the 28th with an army of five thousand men, which was soon increased. In November there were fourteen thousand men in arms for the Stuart cause. But Mar had little military skill, and remained too long inactive in Perth. The body of the insurgents who were operating in England under the command of Forster, encountered the royal troops at Preston, on the 12th of November, and were completely defeated, and many of the Scots and their leaders were taken prisoners. The following day, the insurgents under Mar, and the royal army under the Duke of Argyle, fought the battle of Sheriffmuir near Dunblane, which was indecisive; as the loss was nearly equal on each side, both claimed the victory. The result, however, was that Mar drew back his army to Perth, where his force soon melted away to a few thousands. James VIII., the Pretender, landed at Peterhead on the 22nd of December, and was proclaimed King at Aberdeen, Montrose, Dundee, and other places. He suffered from attacks of ague in his progress southward, and reached Perth on the 6th of January, 1716. His presence inspired no new hope; as this representative of the Stuart line had not the mien of a man likely to lead an army to victory and glory. Preparations were made, however, for his coronation at the historic burgh of Scone, on the 23rd of January; but when that day came, the royal army under Argyle had begun their march on Perth, and James was thinking seriously of flight.[5]

The hapless prince and his army commenced their retreat on the 30th of January, 1716, and marched by Dundee to Montrose, where on the 4th of February, James and the Earl of Mar went aboard a French vessel, and sailed for France. The insurgent army was rapidly diminishing as it proceeded northward, and on reaching Aberdeen, it was disbanded on the 7th of February. Thus ended a project begun without requisite preparation, conducted without energy or skill, and leading to nothing but suffering and ruin to a portion of the people.

Lenient counsel towards the insurgents prevailed in Scotland, and few of them were judicially punished. But the English took the punishment of the prisoners and those implicated in the rising into their own hands. A large number of all ranks of men were executed, while hundreds were sent to the plantations to drag out a wretched life in slavery. Several of the higher prisoners escaped from prison,

[5] *Historical Memoirs of the House and Clan of Mackintosh*, by Alex. Mackintosh Shaw, pp. 413-414; *Mar Papers*.

and fled for their lives, amongst whom were Forster, Lord Nithsdale, and Mackintosh of Borlum. The estates of upwards of forty families in Scotland were forfeited, and justice and revenge were at last appeased.[6]

Naturally, the episcopal clergy in Scotland had always leaned to the side of the exiled house, and when the temporary restoration came, they could not resist the temptation, and openly sided with the Pretender, and prayed for his success. The government therefore proceeded to prosecute them; and those who occupied chapels were summoned in groups before the magistrates, and tried under the Toleration Act: their chapels were shut, and some of them imprisoned, until they complied with the provisions of the act. Any of the old episcopal ministers who still occupied parish churches, were summoned before their presbyteries, and, if found guilty were deposed. In the diocese of Aberdeen alone, upwards of thirty of these ministers were deprived. Indeed, they were prosecuted with great and unnecessary severity.[7]

But the Jacobites were not daunted by the failure of the rising. On the contrary, they continued to plot and scheme for the restoration of those whom they regarded as the right and lawful line of kings. Although after the accession of George I., the Jacobites had little voice in the British Parliament, yet beyond the walls of St. Stephens they commanded a local influence in several quarters of the country.

Soon after the suppression of the insurrection, the government adopted measures to secure the peace of the Island. An act was passed for disarming the Highlanders, embracing the counties to the north of the Forth, and the Highland districts of the West. But the act did not attain its object; as it merely imposed penalties, rising to transportation, against those found guilty of appearing in arms; and as no means were provided for enforcing disarmament, the act was inoperative. In 1725, another disarming act was passed, which ordered each clan to be summoned to appear at a fixed place and deliver up their arms. The execution of the act was entrusted to General Wade, who

[6] *Culloden Papers*, No. 69; *Lancaster Memorials; A Faithful Register of the Late Rebellion;* Rae's *History of the Rebellion; Historical Memoirs of the House and Clan of Mackintosh*, by A. Mackintosh Shaw, p. 433, 1880.

[7] Dr. Grub's *Eccles. Hist. Scot.*, Vol. III., pp, 373-377.

imagined that he had performed the task effectively; and informed the King that the Highlander had now become a simple peasant with his staff in his hand. He also stated that if the system of roads and fortresses proposed by him were made, any future rising of the Highlanders would be impossible; but subsequent events proved that the General's sanguine anticipations were false.[8]

He erected two forts, one at Inverness, and the other at the western end of loch Ness, called Fort-Augustus; while among the remote glens square towers were built, in which small garrisons were placed. But the great work of General Wade was the system of military roads which he made in the Highlands; ten years being occupied in constructing these. The main line of the system proceeded from Perth north-westward by Dunkeld and Blair-Athol, thence through Drumnouchter and other mountainous moorlands, onward to Inverness; while a subsidiary road started from Stirling through Crieff, thence through Glen Almond, past Loch Tay, and joined the main road at Dalnacardoch. Another great road passed from shore to shore, through the valleys in which the Caledonian Canal was afterwards formed, and connected Inverness with Fort-Augustus and Fort-William. A branch road connected Fort-Augustus with the main Highland road. Afterwards the system was extended, by branches passing by Loch Lomond and Callander to the main Highland road; and other branches were made in the district to the north-west of Inverness, and the chain of lakes between the east and west coasts. These roads were constructed for military purposes.

The clan form of polity, with some of the feudal elements superposed upon it, was continued in the Highlands till after the rising of 1745; but it has to be remembered that the Lowland nobles also formally retained their hereditary jurisdiction over their vassals up to the same date. A lord of regality in any quarter of Scotland possessed a despotic power. The regality was a little kingdom in itself, within the larger one which the King was supposed to rule; and it is mainly in these hereditary customs and habits, in some parts of the Lowlands as in the Highlands, that the causes of the rising of 1745 should be sought. In the seventeenth century and the early part of the eighteenth, the Scots were extremely poor, and it was only after the abolition of hereditary jurisdictions, and other

[8] Burt's *Letters; Miscellany of the Spalding Club*, Vol. III.

feudal usages of a lawless age, that the people had a fair chance of obtaining wealth from their industry. While these local powers, spread throughout the country, could disturb the peace of the kingdom, and render the executive authority of the government uncertain and fluctuating, the progress of industry, the accumulation of wealth, and the advance of civilisation, were very slow; but in a comparatively short time the Union enabled the Scots to surmount the greater part of these obstacles.

Yet these great changes could not be effected in a day or a year. Hence among the social causes of the rising may be enumerated the prejudices still existing against the Union; the poverty of the nobles and the people; the power of the Highland chiefs and of the nobles over many of the people; and a general disaffection towards England—the residue of a mass of animosities and antipathies—the natural growth of centuries of war and strife between the two nations. A kind of half-romantic and indescribable leaning towards the ancient line of kings undoubtedly existed, and still exists in the nation. There were other special causes, but those mentioned were the chief, which made rebellion possible; while, on the other side, the unprepared condition and culpable neglect of government, allowed the Prince and his followers for a time to appear in a career of success.

When Prince Charles landed in the western islands in the middle of July, 1745, his prospects of success were indeed dreary, as it was some time before he could find a single man to give him the least hope that a rising was possible. The Highland chiefs whom he first met and consulted all spoke against the enterprise. But the young Prince was naturally full of hope and faith in his destiny, and determined to recover the throne of his ancestors. After repeated efforts he induced a number of the chiefs to promise him support, and Lochiel, the chief of the Camerons, the Macdonalds of Boisdale, Glengarry, Keppoch, and many others joined him. On the 19th of August he unfurled his standard in Glenfinnan, with upwards of a thousand men around him. Next morning they commenced their march, and were soon joined by other chiefs and their followers. As the only regular army in the kingdom, under General Cope, was moved from Edinburgh to Inverness, Prince Charles resolved to advance on the capital. He entered Perth on the 4th of September, and there his army was largely reinforced. Parties were sent into the neighbouring counties of Forfar and Fife to proclaim the

Pretender, levy money, and enlist men. At Perth Lord George Murray joined the Prince, and was appointed a lieutenant-general of the army. On the 11th Charles recommenced his march southward, crossed the Forth, and continuing his advance, on the 17th he took possession of Edinburgh, and proclaimed King James.

By this time Cope had returned from Inverness, and was landing his troops at Dunbar. But the insurgents anticipated his action and advanced to meet him. The Highland army, numbering about two thousand men, marched from Edinburgh; and on the 21st of September attacked the royal army at Preston, completely defeated it, and Cope fled in haste to Berwick. Many prisoners and much booty fell into the hands of the victors. Charles with his army re-entered Edinburgh in triumph; and he assumed all the functions of sovereignty. He held his Court at Holyrood Palace and acted as King of Scotland. His Council consisted of Lord George Murray, lieutenant-general; James Drummond (called Duke of Perth), lieutenant-general; Sullivan, quartermaster-general; Mungo Murray, secretary; Lord Pitsligo; Lord Elcho; and all the Highland chiefs. But Charles's difficulties were only beginning. He had failed to take the Castle of Edinburgh, and comparatively few of the Lowland people supported his cause.

Full of confidence in his destiny, Charles assembled his troops at Dalkeith on 2nd of November, and, with an army of about six thousand men, commenced to march on London. They entered England on the 8th, and took possession of Carlisle on the 15th, and levied a large contribution from the citizens. Leaving a garrison in the castle, they resumed the march on the 22nd, but few recruits joined the Prince in his progress southwards. They reached Manchester on the 27th, where about two hundred recruits joined his standard. Thence the army pushed forward to Derby, within one hundred and twenty miles of London; but at this point, the leaders of the army received intelligence which convinced them of the hopelessness of attempting to continue the march on London, as there was no indication of a great movement on Charles's side in England. The position of the insurgents was extremely critical; as there were three armies in the field against them, two between them and Scotland, and one posted for the defence of London. Immediate retreat seemed to be their only chance of saving themselves from destruction. But Prince Charles was exceedingly unwilling to turn back, and bitterly protested against such a proposal; he had great confidence in the divine right

and the justice of his cause, and persisted in advancing to the culmination of his destiny. The retreat was ordered, however, and on 6th of December the army turned towards Scotland,—Lord George Murray undertaking the charge of the rear. The rank and file of the army rent the air with cries of indignation ; they could have endured to be defeated by superior numbers, but to retreat without striking a blow, was an insufferable disgrace.[9]

When the insurgents returned to Scotland, they found that Edinburgh was in the possession of the government, and defended by a strong force, and that in other parts of the country bodies of troops were organised and prepared to act against them. But they retreated successfully, passing through Dumfries, and entered Glasgow on the 24th of December, wearied and tattered with their long march. They exacted a large contribution of clothing and shoes from the city, and, after staying a week, proceeded to Stirling. On the 17th of January, 1746, they attacked and defeated a royal force commanded by General Hawley, at Falkirk. The Duke of Cumberland was commissioned to extinguish the rising ; the work was congenial to him, and he executed it thoroughly. He arrived at Edinburgh in the end of January, with an army of ten thousand men, and a train of artillery, and proceeded northward.

While Charles's army was attempting to reduce Stirling, they received tidings of Cumberland's advance. The insurgents then commenced a retreat, and reached Crieff on the 2nd of February. There they separated into two divisions—one, under the Prince himself, moved by Blair-Athol, and the other, under Lord George Murray, proceeded by Montrose and Aberdeen. It was arranged that they should meet at Inverness. Cumberland proceeded to Aberdeen, and rested his army till the spring. On the 8th of April, he began his march northwards along the coast, in connection with a victualling fleet which sailed parallel with his army ; and on the 14th he reached Nairn.

By this time Prince Charles' army was suffering severely from constant exposure and want of food. The men were much exhausted, and at the utmost did not number more than five thousand, and one hundred and fifty horse. They formed on a moor beyond the enclosures of Culloden House ; but the most experienced chiefs

[9] Lockhart's *Papers*, Vol. II., p. 468 ; *et seq ;* Homes' *Hist. of the Rebellion of* 1745, Ch. VII., 1802.

earnestly entreated Charles to avoid a battle or remove to a better position, yet he was deaf to all reason and insisted on an immediate action.

The Duke continued his march, and came in sight of the insurgents. On the 16th of April, 1746, he began the battle by a cannonade which committed much havoc in the insurgents' ranks. The Highlanders became impatient and advanced to the attack; and after an heroic charge and a severe but brief combat, the clansmen were defeated by the weight of superior numbers, and many of them were mercilessly massacred in the pursuit. The victors then began an indiscriminate slaughter of all those supposed to be disaffected to the Government, or in any way connected with the rising. The Duke of Cumberland and General Hawley have entailed on themselves eternal infamy by the extreme cruelties which they inflicted upon the defenceless and innocent inhabitants of the Highlands.

There was great rejoicing in London over the victory at Culloden; but many people who were not Jacobites, were much shocked by the details of the cruelties and sufferings inflicted on the Celtic population. After the battle the feeling of the Highlanders was expressed in ballads such as these :—

"Fair lady, mourn the memory
O' all our Scottish fame;
Fair lady, mourn the memory
Ev'n of the Scottish name;
How proud were we of our young prince,
And of his native sway;
But all our hopes are past and gone,
Upon Culloden day.
There was no lack of bravery there,
No spare of blood or breath,
For, one to two, our foes we dar'd,
For freedom or for death.

"The bitterness of death is past,
Of terror and dismay;
The die was risked, and foully cast,
Upon Culloden day.
. . . . . .
What is there now in thee, Scotland,
To us can pleasure give?
What is there now in thee, Scotland,
For which we ought to live?

Since we have stood, and stood in vain,
For all that we hold dear ;
Still have we left a sacrifice,
To offer on our bier.
But there is naught for us or ours,
In which to hope or trust,
But hide us in our father's graves,
Amid our father's dust." [10]

A few lines of another ballad may be quoted :—

" Ochon ! ochon ! the fatal day,
The day of dark despair.
. . . . . .
The flower o' a' the Highland clans—
Their like we'll never see—
Lay strecket in their bloody plaids,
Cauld on Culloden lee."

This was the last of the risings of the Celts against the Government. Henceforth they had to seek other fields for the exercise of their energy and powers. A considerable number of the Highlanders found an honourable career in the British army, in which they have never disgraced their standard in the hour of danger. They have contributed much to the power and glory of the United Kingdom ; for upwards of a hundred years the Highland regiments have been characterised by obedience and fidelity to their commanders, loyalty to the throne, and faithful service to the Empire. Let us simply mention their service on the battlefields of the Vimiera, Corunna, Badajos, Salamanca, Vittoria, Toulouse, and Waterloo ; their memorable action and heroic endurance under the scorching sun on the blinding sands of Africa ; their services in the East and West, at Alma, Balaklava, Sebastopol, and Lucknow. For courage and bravery in the hour of peril and battle they have never been surpassed.

The subsequent social changes in the Highlands will be treated in the next volume ; but it may be observed that, despite the injustice, the oppression and suffering inflicted upon the Celtic people during a period of six centuries, they have shown a readiness to appreciate the benefits and blessings of civilisation. They have contri-

[10] Mackay's *Jacobite Songs*, pp. 209-211. This song is translated from the Gaelic one, entitled " Culloden Day," and sung to a tune of the same name.

buted important elements to art and literature. In every quarter of the world they have distinguished themselves in the fields of enterprise and industry.

Politically, it was best that the Island should be under one supreme Government; as this enhanced the strength, the confidence, and the security of the people. After many ages of internal war, this blessing of political union and peace was at last obtained. Thus a position and a career was opened to the people of the United Kingdom, such as few nations have ever enjoyed. It is much to be desired that the people of Ireland would recognise the great utility of the Imperial Parliament of Britain. If I might venture a word for the whole Celtic inhabitants of Britain and Ireland, I would earnestly urge the necessity of recognising the supremacy of the Imperial Parliament; for on this the welfare and progress of the people depends. When the Irish have become as reconciled to the supremacy of the Imperial Parliament as the Welsh and the Scots have long been, we may look forward with reasonable hope to a time of greater prosperity, of happiness and higher civilisation for the Irish people. Let us all endeavour in a spirit of honesty and justice to contribute to this result.

CHAPTER XXX.

SOCIAL STATE OF THE PEOPLE IN THE SEVENTEENTH CENTURY.

AFTER the accession of the King of Scotland to the throne of England, it might have been reasonably thought that the administration of justice would have been improved; but such anticipations were not realised, except on the Borders, where in a short time there was a marked improvement. The King unfortunately employed his increased power to enforce unpopular ceremonies and forms of polity upon the people, and thus retarded their social progress. Moreover, in the reign of Charles I., civil war arose with its inseparable confusion; and from the Restoration to the Revolution, the corruption of the Government was notorious. Some improvement was effected before the Union, but ample room for administrative reform still remained.

From the outbreak of the Civil War the administration of justice was mainly in the hands of the Covenanting party, till the kingdom was subjected by Cromwell. The Protector's mode of ruling Scotland, and his efforts to administer justice, have already been described.[1] For nearly two years after the death of Cromwell, the higher courts of justice in Scotland were in a state of confusion and abeyance.

After the Restoration the old forms were revived; the Court of Session was restored, and Lord Stair appointed one of the judges and vice-president of the Session. In 1671 he was installed president of the Court of Session. Stair was a man of great abilities; but he yielded in some degree to the influences of the times, and for ten years gave a general support to the government of Charles II. It was reported that in his judicial career he perverted justice; but there is no reliable evidence of this, and it has never been shown that he was guilty of malversation. According to the anomalous rules prevailing in Scotland, a judge of the Supreme Court was permitted to act as a member of parliament, and in the session of

[1] See under, p. 112, *et seq.*

1681 Stair sat as the representative of Wigton ; while he was on the Committee of Articles, and also a member of the Privy Council. He came into collision with the Duke of York and his supporters in the debates on the terms of the oath, which was proposed to be imposed upon all persons in office. Stair declined to sign the oath, and shortly after he was divested of his functions. Then the Government commenced an inquisitorial investigation with the aim of punishing the ex-president of the Session. In his own words, "I was cited before the criminal judges, before the Council, and before the Parliament; and hundreds of examinations and re-examinations were taken against me, even of my most intimate servants, and my sister-in-law, not in the regular way of probation, but by way of inquisition, to found a process upon any special matter, which was never done, because nothing was found against me." He retired to Holland in October, 1682, and did not return to Scotland till the Revolution.[2]

In 1674, the question whether there should be appeals to parliament from the decisions of the Court of Session, or not, was disputed. The Government insisted that no appeals to parliament should be allowed; the Scotch bar was divided in opinion on the point, but Lockhart and Cunningham, and about fifty members of the faculty, maintained that there was a right of appeal to parliament. As the Government held a different view, they were suspended from the exercise of their profession, and banished from Edinburgh. The dispute was prolonged for two years, and ended in a kind of compromise.

Lord Stair's son, Sir John Dalrymple, afterwards first Earl of

[2] Sir George Mackenzie's *Memoirs;* Graham's *Annals of the Viscount, and First and Second Earls of Stair*, Vol. I., pp. 17, 50; see also Sheriff Mackay's *Memoir of Lord Stair*, pp. 133-138, 141-150, 178-186 ; 1873. During the ten years following his appointment to the presidentship, he composed the first draft of the Institutions of the Law of Scotland. This great work, upon which Stair's fame as a lawyer mainly rests, was originally intended for his own particular use—"that he might be the more clear and determined in his judgments in the matter of justice." In the dedication of the first edition of 1681 to the King, he says that "his modesty did not permit him to publish it previously, lest it should be judicially cited where he sat."

Burnet says: "Dalrymple was president of the Session, a man of great temper, and of very mild deportment, but a false and cunning man, and a great perverter of justice : in which he had a particular dexterity of giving some plausible colours to the greatest injustice."—*History of His Own Time*, Vol. II., p. 45.

Stair, was a man of great talents, but impulsive and unscrupulous. About the end of the reign of Charles II., he fell into disfavour with the Government, and was for a time imprisoned. But after the accession of the Duke of York, Dalrymple left Edinburgh for London in December, 1686; and in February, 1687, he returned Lord Advocate.[3] He succeeded Sir George Mackenzie in this office, who it seems had been shocked at the King's dispensing prerogative, but Dalrymple was not hampered by scruples of conscience, and at once complied with the King's projects.

It has been freely admitted that the fountain of justice was utterly polluted during the reigns of Charles II. and James VII. "The Scottish bench had been profligate and subservient to the utmost conceivable extent of profligacy and subservency." Besides the oppression of the people, which the courts too often sanctioned, even men in high political posts employed their functions to plunder their political opponents, with as little scruple as the victors on a battle-field. A statesman, who had a personal case before the court, sometimes took his seat on the bench, where he had an *ex officio* right to be, and looking with a significant glance, defied the lawyers, on their peril, to give a decision adverse to him. Some of the remedies attempted by Parliament reveal the abuses which prevailed. These were framed to prevent judges from going out of their course to benefit themselves or their friends: one rule, for example, enjoined that when the court came to a judgment, it should be written out in their presence, and immediately signed, because it seems no officer of the law, however high, could be entrusted to state the decision honestly. In 1693, it was enacted that criminal trials should be held with open doors in presence of the panel or accused, the jury, and all others. The Revolution Parliament claimed the right of choosing the new bench of judges, and passed an act on the

[3] "February 14th, 1687. Sir John Dalrymple, now King's advocate, arrives; lately twice in prison as a malefactor, and in very bad circumstances with the Government, he comes down from London to Edinburgh. His coach broke with him at Tranent. He has got a precept from the King for £1200 sterling, whereof £500 was his fine which Queensberry and Claverhouse exacted from him three years ago; the other £700 for his charges in this last journey to and from London, and for loss of his employment during that time. He has brought with him an ample and comprehensive remission of all crimes to his father, Lord Stair, particularly for their reset and converse with traitors, and to his little son, who accidentally shot his brother."—Fountainhall's *Historical Notices*.

point, but it did not receive the royal assent. Parliament then "shut the Signet," until steps were taken for filling up the bench.[4]

But King William re-opened the Signet and appointed a new bench of judges in November, 1689, on the strength of his royal prerogative. The commission named the fifteen lords of Session, and the list commenced with Lord Stair, who was re-appointed president of the Court. Three of the new judges had been on the bench before, and the Court immediately met and went through the legal forms of admitting the new judges. The president told them, "that, although he was restored by way of justice according to the King's declaration, yet he was willing to submit himself to the lords, and if they were not satisfied that he should resume that heavy charge, he would not in so disquiet a time, and in such a charge, subject himself to so much trouble and toil;" and he then retired to another room. Whereupon their Lordships unanimously concurred in the King's nomination of Sir James Dalrymple of Stair to be president, as a man most worthy to discharge that trust.[5] The fifteen judges being duly installed, justice was restored to its customary channel; and this constitution of the supreme court continued with little variation, till the beginning of the present century.

There was still much crime in the nation; murder and manslaughter were common, and, as already stated, feuds among the nobles and the Highland chiefs were endless. Captain James Stewart, a member of the Ochiltree family, was slain by Sir James Douglas of Parkhead in 1595. At that period a noble was not usually punished as a malefactor; his crime was either expiated by a fine or by the interposition of the King reconciling the friends of the injured party to the offender and his friends. Thus the feud between the Ochiltree Stewarts and Sir James Douglas and his friends

[4] Dr. Burton's *History of Scotland*, Vol. I., pp. 72-74, 1853; *Acts Parl. Scot.*, Vol. IX., pp. 104, 282-283, 305; App., pp. 135-136.

[5] "This rule of submitting the election of the president to the other judges, the real appointment being with the Crown, could not well have had any other result in the present instance, considering that the whole bench of judges was assorted and the nominations advised by Stair himself. As to this, Forbes of Culloden, father of the president Duncan Forbes, remarks: But one thing at that time became apparent, that however my Lord Stair might profess, he desired petty men to sit with him upon the bench; he shunned any who he thought would debate with him, and took in, so far as he could, none but such as he knew would comply with him." *Culloden Papers*, p. 326; Graham's *Annals of Viscount Stair, and the First and Second Earls of Stair*, Vol. I., p. 89.

was continued. From time to time they had come under heavy securities to keep the peace towards each other; and so Lord Ochiltree and Sir James Douglas, now Lord Torthorwald, became bound for a sum of £5,000 each to keep the peace, and brothers and nephews of Stewart for smaller sums—an arrangement that was renewed on the 30th of May, 1608, to endure for a year. All seemed quiet in Edinburgh, but on the morning of 14th July, Lord Torthorwald was walking unattended in the High Street, when William Stewart, the nephew of the man who was slain twelve years before, approached and instantly stabbed him in the back, and he immediately expired. The murderer escaped, and no more was heard of him. The same day, the Privy Council held two meetings to consider what should be done. They ordered that the Earl of Morton, James, Commendator of Melrose, Sir George and Sir James Douglas, uncles of Lord Torthorwald, William Douglas, Archibald Douglas, and Sir James Douglas of Muirston, all friends of the murdered man, should be confined to their lodgings; and Lord Ochiltree, whom the Douglases might be eager to attack, was also commanded to remain within doors. This deed recalls a series of murders, which stretched back to the slaughter of Stewart in 1595, and to Stewart's persecution of the Earl of Morton to the scaffold in 1581; also, this William Stewart was the son of the Sir William Stewart who was slain by the Earl of Bothwell in 1588.[6]

In the early part of the seventeenth century, the records of the Privy Council are full of cases of assaults, committed by men of rank and by others, upon persons whom they hated. It would be tedious to enumerate even those which occurred in a single year. There were Acts of Parliament forbidding men to carry arms, but in almost every case we find the parties implicated in these acts of violence, described as wearing steel bonnets, gauntlets, plate sleeves, and with swords and pistols.

Gavin Thomson, a burgess of Peebles, was greatly hated by Charles Pringle, another burgess. One day in September, 1608, as Gavin was walking in the High Street, Pringle, with nine others, all armed, attacked and wounded him on the left hand, then thrust him into a house and locked him up, intending to have him slain there;

[6] Pitcairn's *Crim. Trials*, Vol. III.; *Register of the Privy Council*, Vol. VIII., pp. 101, 144, 158, 185, 215, 239, 246, 251, 344, 348, 646, 667, *et seq.;* Vol. IX., pp. 5, 10, *et seq.;* Vol. X., pp. 1, 45.

but the minister of the burgh, assisted by other peaceable persons, came and rescued him. For months after this Pringle and his associates lay in wait several times to kill him, and prevented him from going to church or market, or attending to his farm. On the 2nd of December, while he was walking in the street, they again attacked him with weapons, wounded, and threatened to slay him outright, had not timeous relief been at hand. The assailants had wounded several persons of rank in the scuffle, and the Privy Council denounced them as rebels.[7]

A strife broke out between the Earl of Caithness on the one side, and Sir Robert Gordon of Kinmoninie and Donald Mackay, on the other. This affair is highly illustrative of a condition of society which was gradually changing and improving. In 1599, Arthur Smith, a native of Banff, had got into trouble for coining, but he contrived to escape the punishment of the law by making a lock of a peculiar device, which gained him the favour of the King. Afterwards, having entered the service of the Earl of Caithness, he commenced and continued coining for seven years in a recess under the Earl's castle. Naturally the counties of Caithness, Sutherland, and Orkney, were soon found to be flooded with counterfeit coins, both of silver and gold. Sir Robert Gordon reported the case, and the Privy Council commissioned him to apprehend Smith and bring him to Edinburgh. While this case was pending, William M'Angus, a noted freebooter, was captured and imprisoned in the Earl's castle, but he escaped and fled into Strathnaver. There the Sinclairs made an attempt to seize him, but he eluded them; they, however, took a man, Angus Herriach, who they thought had assisted M'Angus to escape. This man was also lodged in the Earl's castle without a warrant; and Mackay then appeared and claimed Angus as his man, and Caithness had to give him up.

Smith, the coiner, was living in Thurso under the protection of the Earl of Caithness, when a party of the Gordons and Mackays arrived to execute the warrant for apprehending him. They had already seized him and a quantity of his counterfeit coins, and were making off, when a party of the Sinclairs came to the rescue, and a fierce conflict ensued on the streets. John Sinclair, the Earl's nephew, was slain, his brother wounded, and the Earl's retainers

[7] *Burgh Records of Peebles; Register of the Privy Council*, Vol. VIII., pp. 208, 682.

were driven back. During the fight Smith was coolly put to death, lest he should escape, and the invading party then retired. The Earl of Caithness was greatly enraged, and considered the affair a disgraceful encroachment upon him in the heart of his own county. The strife was next transferred to Edinburgh, where the parties raised counter-actions against each other before the Council. Both parties appeared in the capital on the appointed day, accompanied by their friends. With the Earl of Caithness there was his son, Lord Gray, the Lairds of Roslin and Cowdenknowes, the Earl's two brothers—Lairds of Murkle and Glenland; these were the chief men on Caithness' side. With Sir Robert Gordon and Donald Mackay there were the Earls of Winton, Eglinton, and their followers, the Earl of Linlithgow with the Livingstons, Lord Elphinstone with his friends, Lord Forbes with his friends, Lord Balfour, Mackay the Laird of Larg, in Galloway, the Laird of Foulis, the Laird of Duffus, and their followers, and others of the name of Gordon. The Earl of Caithness was much grieved, when he saw that his opponents so far outnumbered him. All these parties had come to Edinburgh to see that justice should be done, and to outbrave each other in forcing the Court to give a favourable decision on their own side. While the Privy Council was trying to exact security from the opposing parties for their peaceable behaviour, both parties despatched private messengers to the King to give him a favourable impression of their cases. The King repeatedly sent instructions to proceed against them with all the rigour of law and justice, but this was a difficult matter. While the affair was pending, the Marquis of Huntly's son, Lord Gordon, arrived at Edinburgh from court, and the Earl of Caithness imagined that he had an unfavourable view of his case, "So, late in the evening, the Lord Gordon, coming from his own lodgings accompanied with Sir Alexander Gordon and others of the Sutherland men, met the Earl of Caithness and his company on the High Street; and, at the first sight, they fell to jostling and to talking, then to drawing of swords, and friends speedily assembled on both sides. Sir Robert and Mackay, with the best of the company, came presently to them; but the Earl of Caithness, after some blows given and received, perceiving that he could not make good his part, left the street and retired to his lodging; and if the darkness of the night had not favoured him, he had not escaped so. The Lord Gordon taking this broil very highly, was not satisfied that the Earl of Caithness had given place, and departed, but moreover, he with

all his company crossed thrice to the Earl of Caithness' lodgings, thereby to provoke him to come forth; but perceiving no appearance thereof, he retired himself to his own lodging. The next day the Earl of Caithness and Lord Gordon were reconciled by the Privy Council." But several years passed ere these troubles were terminated.[8]

The Earl of Caithness was one of the most unruly men of his time, and in his own district wielded an almost despotic sway. He is represented as a base and selfish man, about half of his life being passed in outlawry. Sometimes he was at war with the Sutherland family, sometimes with the Mackays of Strathnaver; one year he was proclaimed a rebel, at another time he was honoured with a royal commission against some other rebels. He was deeply in debt, but this did not disturb him much; and his son, having become responsible for him, was imprisoned in Edinburgh for five years by his father's creditors, while Caithness himself enjoyed a life of freedom in the far north. He was denounced a rebel in 1621; and Lord Berridale, his son, asked and obtained a commission to pursue his father, and was released from prison for the purpose of assisting in bringing him within the grasp of the law. In September, 1623, Berridale and Sir Robert Gordon entered Caithness at the head of a strong force, but they had not advanced far when the Earl, perceiving that he was unable to face them, fled, and sought refuge in Orkney, thence intending to go to Norway. Many of the inhabitants received Gordon with civility; and the Commissioners having taken possession of the castles in the Earl's territory, and made arrangements for the peaceable government of the county, Sir Robert Gordon returned in triumph to Dunrobin Castle, and disbanded his men. This Earl of Caithness died in his own county in comparative obscurity in 1643, at the advanced age of seventy-eight. [9]

In 1614, he was entrusted with a royal commission to reduce the Earl of Orkney; and a brief notice of this Earl's career may serve to illustrate the state of society in that remote part of the kingdom. Patrick Stewart, Earl of Orkney, was related to the royal family, as his father was a natural son of James V.; and it seems that he at-

[8] Pitcairn's *Crim. Trials*, Vol. III., pp. 32, 231-232; *Register of the Privy Council*, Vol. IX., pp. 352, 413, 731; Chambers' *Domestic Annals of Scotland*, Vol. I., pp. 436, 439.

[9] *Register of the Privy Council;* Pitcairn's *Crim. Trials*, Vol. III., p. 310; Gordon's *History of the Earldom of Sutherland.*

tempted to make himself king over the Orkney Islands. It is stated in contemporary records that he collected a large yearly revenue, and that he rigorously exacted very high rents and dues from his vassals and tenants; further, that "his pomp was so great in Kirkwall, as he never went from his castle to the church, nor abroad otherwise, without a company of fifty musketeers and other gentlemen of guard; and such like, before dinner and supper, there were trumpeters that sounded till the meat of the first service was set at table, and also at the second service, and consequently after the grace. He also had his ships sent to the sea to intercept pirates, and to collect tribute of foreign fishers, that came yearly to these seas. Whereby he made such a collection of great guns and other weapons of war as no house, palace, or castle in all Scotland was furnished with the like."

On 27th December, 1608, the Earl of Orkney was summoned to answer for acts of usurpation of the royal authority during the preceding twenty years. His indictment contained a long list of charges, but he denied that these were crimes, and maintained that he had sufficient authority to do all that he had done, which he could show at the proper time and place. He was present at a meeting of the Privy Council on the 27th of June, 1609, and on the 4th of July he was imprisoned in the Castle of Edinburgh. The people of Orkney and Shetland were still oppressed by the Earl's brother, James Stewart, and other deputies and agents whom the Earl had appointed to rule during his absence. Referring to this, the record stated that the King had expected that the proceedings against the Earl would have procured some peace to the "poor distressed people there," and would have restrained the insolence of his deputies and servants. Yet it appeared that the Earl's agents and friends, assisted by the captain of the Castle of Kirkwall and the soldiers under him, still "continue all forms of oppression, not only against those who presented their complaints against the Earl, but also against all others of whom they hope to extort any profit; so that the King's poor subjects within these bounds are in as bad a state and condition now under the tyranny of the persons above mentioned as they were before in the time of the Earl's own rule." Stewart, the Earl's brother, and others were denounced as rebels for non-appearance in court. The Earl's case was hung up, and he was detained a prisoner in Edinburgh Castle; and it seems that the King was inclined to come to a compromise with him, but he was not disposed to temporise, and still entertained the hope of regaining his island kingdom. He at-

tempted to escape from Edinburgh Castle, and was then removed to Dumbarton Castle, where it was thought he would be more secure. But in spite of this, he found means of instructing his natural son Robert, who proceeded to Orkney in 1614, mustered a company, seized the castle of Kirkwall, and fortified the church. A great number of the inhabitants joined him, and it soon became known that Orkney had rebelled against the Crown. The Earl of Caithness was then in Edinburgh endeavouring to obtain a settlement for crimes and offences of his own, and it occurred to him that it might be easier to make a compromise with the Government by offering his assistance to punish others. His service was accepted, and he immediately sailed for Kirkwall with a strong force to reduce the Lord of Orkney. He found that the castle was strong, and many of the inhabitants in favour of the rebels, while he had great difficulty in finding provision for his men. He besieged the castle for the space of a month; it surrendered in September, 1614, and Lord Robert Stewart was carried to Edinburgh a prisoner.

This youth of twenty-two years was then tried for high treason, condemned to death, and executed on the 6th of January, 1615, with five of his companions. His father, the Earl, the real moving spirit of the rising, was tried, convicted, and sentenced to death, and beheaded at the Cross of Edinburgh on the 6th of February, 1615.[10]

The Government had several modes of dealing with the feuds and unruly habits of the Highlanders, some of which have already been indicated in the preceding volumes. Sometimes, as in the Lowlands, authority was given by the Government to one party to make private war on another, as in the cases noticed above; in other instances, the Crown entered into an arrangement with Argyle in the south-west, and with Huntly in the north, to restrain and punish, and even "to extirpate the barbarous people." Lastly, there was the extreme expedient of granting "letters of fire and sword." These were licences from the Government for the most severe and cruel kind of civil war, with the aid and encouragement of the executive to one side in the strife. These letters authorised the favoured individual or clan to burn, to waste, and to slay, all within the territory of their enemies, or the district specified in the licence; and the licenced parties were freed from any legal annoyance as the result of the

[10] Pitcairn's *Crim. Trials*, Vol. III., pp. 81-87, 272-307, 308, 327; *Register of the Privy Council*, Vol. VIII., pp. 214, 306, 312, 433, 611, 619, 845, also Vols. IX. and X.

conflict. Such letters or commissions usually read thus:—"Whatever slaughter, mutilation, bloodshed, fire-raising or violence, may be committed, shall be regarded as laudable, good, and warrantable service to his Majesty and to his Government."[11] The frequent granting of letters of fire and sword is a lamentable proof of the weakness of the government, of the law, and of the lack of police organisation.

After the accession of the King to the throne of England, various attempts were made to reduce the people of the Highlands and the Western Isles to the authority of the Crown. The efforts of the Government for a time promised considerable success; a number of Highland and Island chiefs were captured and imprisoned, and others placed under caution for their good behaviour. The King commissioned Bishop Knox with power to make arrangements for promoting the peace and obedience of the Isles; and, at his instance, nine chiefs agreed to a bond of obedience to the authority of the King at Icolmkill on the 24th of August 1609. The names of these chiefs were—Angus Macdonald of Dunivaig in Islay; Hector Maclean of Duart in Mull; Donald Gorm Macdonald of Sleat in Skye; Rory Macleod of Harris; Rory Mackinnon of Strathordaill in Skye; Lauchlan Maclean of Coll; Donald Macdonald of Ylanterim in Moydart, Captain of Clanranald; Lauchlan Maclean of Lochbuy in Mull; and Gellespie Macquharrie of Ulva: these bound themselves by solemn oaths to future obedience to the King and the laws of Scotland. This bond is known under the title of "the Statutes of Icolmkill." The statutes were nine in number and dealt with the following subjects:—1. The ruinous churches to be repaired, and a regular parochial ministry to be established and maintained, with the same discipline as in other parts of the kingdom, the same observance of Sunday and other moral rules, and the suppression of irregular marriages. 2. Inns to be erected in convenient places in all the Islands for the accommodation of travellers, so as to extinguish mere idle wandering, and the burden on the resources of poor tenants and crofters by the habit of indiscriminate quartering. 3. That all idle vagabonds without visible and honest means of living should be cleared out of the Isles; and that the chiefs should cease from capricious exactions upon their clans, and be content with a household retinue of as many gentlemen and servants as his means will support,—that is, Maclean of Duart

[11] *Register of the Privy Council.*

with eight gentleman, Angus Macdonald, Donald Macdonald, Rory Macleod, and the Captain of Clanranald, with six gentlemen each, and so on with the rest. 4. All sorning and begging, and the custom of conjie to be put down. 5. A main cause of the poverty and disorder of the Islanders being their excessive drinking of strong wines and *aqua vitæ*, brought in amongst them partly by merchants of the mainland and partly by some traffickers dwelling amongst themselves, all general importation or sale of wine or *aqua vitæ* to be stopped under penalties, reserving liberty, however, to all persons in the Islands to brew *aqua vitæ* and other drink to serve their own houses, and to the chiefs and other gentlemen to send to the Lowlands for the purchase of as much wine and whisky as they may require for their households. 6. Every man in the Islands possessing sixty cows, and having children, should send at least his eldest son, or failing sons, his eldest daughter, to some school in the Lowlands, and there to be taught until they be able to speak, read, and write English. 7. An Act of Parliament prohibiting all persons from carrying firearms out of their own houses, or shooting with such at deer, hares, or fowls, to be strictly enforced within the Islands. 8. The chiefs should not entertain wandering bards or other vagabonds of that sort; and all such persons should be apprehended, put in the stocks, and expelled from the Islands. 9. For the better keeping of these statutes, and in accordance with the rule that the principal man of every clan is answerable for all his kinsmen and dependents, this present agreement to be a sufficient warrant to all chiefs and sub-chiefs to apprehend and try malefactors within their bounds, seize their goods for the King's use, and deliver over their persons to the competent judge to be further dealt with; the chiefs become bound not to reset or maintain within their bounds any malefactor that may be fugitive from the bounds of his own natural superior.[12] The Government of the time seem to have thought the above regulations a great achievement; yet it does not appear that they became operative. The Government continued to pursue the clan Gregor with the utmost extremity of fire and sword.

The social state of the Highlands, however, was not much improved in the seventeenth century. Old feuds and grudges among neighbouring clans often led to a kind of invasion of the territories of each other, ending in extensive depredations, and frequently in loss

[12] *Register of the Privy Council*, Vol. IX. pp. 24-30.

of life. About the year 1666, the Government appointed some of the chief men in the disturbed districts to raise a force among their dependents, to put the law into execution against the offenders. The region of Strathspey, and the mountainous tract thence extending towards Perthshire and Aberdeenshire, had often been in a disturbed state during the century; and at this time the Council granted a commission of "fire and sword" to John Lyon of Muiresk, and Alexander, his son, against a large number of outlawed persons, enumerated by name. But before he was prepared to carry his commission into effect, the outlaws attacked his house, set it on fire, and slew him and his son. The lawless party then proceeded to the small town of Keith, attacked and plundered it, and decamped. A commission of fire and sword was given to the Earl of Moray, which had the effect of bringing Patrick Roy Macgregor, who seems to have been the ringleader of the gang, and some others of his confederates to justice. In March, 1667, they were tried at Edinburgh for sorning, fire-raising, theft, and murder, and condemned and executed; and in May, 1668, other two men of this gang were tried and executed.

In 1670, the Privy Council issued an order, stating that many persons in the Highlands were in the habit of travelling through the country attended by idle bands, which occasioned stealing and sorning; all persons were therefore forbidden to travel or congregate in this fashion.

The messenger-at-arms and officers of the law often encountered violent resistance in the Highlands when delivering their summonses, and attempting to apprehend debtors and offenders. In the winter of 1671, John Campbell, with two witnesses, proceeded to Caithness, to execute letters of caption and inhibition against some gentlemen in that region, but they were seized by Captain Sinclair and shipped for France. By the action of winds and waves, however, the ship, after being some time at sea, came back to Thurso, and the three officers of the law were again seized and imprisoned, and guarded as if they had been criminals. The Privy Council ordered that they should be released, on the singular ground that they had given security to answer any charge which Captain Sinclair might bring against them.

Rudeness and contempt of the law were often manifested, and outrages frequently occurred on Sunday, even during public worship. An Act of Parliament had been passed in 1592 against outrages in churches, but it had little effect. In 1608, a complaint was lodged

against Alexander Mortimer for assaulting the minister, by taking off his hat and striking him in the face with it. A complaint came before the Synod of Aberdeen, in 1664, against William Creichton and his wife, stating that they had, in the parish church of Auchterless, on a Sunday, blasphemed, cursed and swore, and reproached and threatened the minister in the pulpit. While at the same date, Forbes of Newe, and Forbes of Edinglassie, with their friends, fought and wounded each other on Sunday.

Society in the chief burghs was more peaceful and life more secure than in the Highlands and in some parts of the Lowlands; yet even in them crimes of violence were constantly occurring. In 1608, one of the bailies of Glasgow, James Inglis, in company with James Young, in the exercise of his functions charged Thomas Paterson to go with him to the jail, which he had before broken out of, and while in the act of taking him back, he was interfered with by Robert Macgill, who declared that he would not allow Paterson to go, and immediately threatened the bailie with a dagger, at the same time using abusive language to him. Macgill was convicted for this offence, and sentenced by the council to pay a sum of a hundred pounds to the city treasurer, to be banished from the town for seven years, "and to be put in irons and to remain in them during Bailie Inglis' pleasure, and lastly, to walk from the place where he assaulted the bailie to the Cross, bareheaded and barefooted, and there upon his knees, to deliver the dagger by the point to the bailie, and ask God's mercy and the bailie's forgiveness for his great offence." In the end of September the following year, Andrew Craig was accused of abusing Matthew Trumble, one of the bailies, in presence of the people. The bailie had ordered him to be imprisoned upon just grounds, but he retorted that the bailie had no power to charge him to be imprisoned, and when the officers had got him up the Tolbooth stair, he said to the bailie—"An thou were out of thy office, I shall be up sides with thee," to the contempt of the King's authority as represented in the bailie's person; and when he was in prison he said that he would set it on fire. When his trial came on he pleaded guilty and threw himself on the mercy of the council, and they ordered him to be detained in prison till they resolved what further punishment was necessary. Other persons were tried and punished for contempt of the dean of guild, and of the town clerk, but in 1612 another bailie was threatened by one of the citizens. In 1610, the town council of Glasgow had under consideration the manifold

assaults and wrongs which were committed by notorious tusslers, fighters, and night-walkers, who had nothing to pay their fines or to satisfy the parties whom they injured, and who daily committed breaches of the peace and disturbances, because there was no other severe punishment inflicted upon them. Therefore the council enacted that all persons convicted of assaults and disturbances, who had nothing to pay their fine or to satisfy the injured party, should be punished thus :—If a man, he should be imprisoned for eight days, and if a woman, she should be put in the branks upon a Monday and a Friday, for two hours on each occasion, and thereafter such persons should ask God's mercy and the forgiveness of the parties injured by them.[13]

The number of convictions before the bailies of Aberdeen, for the year 1641, seems to indicate that there was much crime in the city. In March, three of the pickmen at the town's mills were convicted and fined for exacting a handful out of every sackful of malt ground at the mills more than the lawful mulcture and dues allowed to the lessee and his servants for their work. The council enacted that all workmen convicted of this offence should be treated as receivers of stolen malt, and be scourged and banished or otherwise punished at the discretion of the magistrates. On the 19th of March, Helen Vulgine and Margaret Bellie were convicted and fined for "stricking, scratching, and riving of each other's faces." On the 4th of May, Helen Sherar was convicted for "throwing a cup and a wooden stoup at Margaret Burnet, and hitting her to the effusion of blood," and Margaret also was convicted for striking Helen, and for insisting on taking her child from her. Both were sentenced to be put in the stocks if they failed to pay the fines imposed. On the 15th of June, Marjorie Jack was convicted and fined for assaulting another woman. On July 6th, Elspet Fraser was convicted for assaulting Bessie Forbes on the street, both being married women; and Elspet was fined four merks, and also ordered to offer amends to the injured person in the presence of the magistrates. The same day, Christian Watson, wife of John Tough, was convicted for "assaulting a woman and knocking her down on the street and breaking her leg;" at the same time, Robert Massie was convicted "for assaulting William Gordon, a tailor, on Sunday night, by taking off his bonnet and

[13] *Records of the Kirk-Session and Presbytery of Aberdeen*, pp. 61, 277, 278, 1846. *Burgh Records of Glasgow*, pp. 290, 293, 303, 317, 326, 316.

striking him in the face, and chancelling him to combat, which he refused." Gordon was sentenced to pay four merks to the dean of guild, and other four to the injured person, and to beg his pardon in the presence of the magistrates. On August 3rd, William Walker, a fisher, was convicted "for injuring James Anderson, his master, by provocking him and calling him a thief's son, pushing him into the water and hitting him with a stone on the breast." The same day, James Alexander was accused by Alexander Davie, a lister, for assaulting him in a house in the Gallowgate; he was convicted and fined four merks, and ordered to ask the offended party's pardon. On the 6th of September, Elspet Smith, a servant of a maltman, was convicted "for assaulting Elspet Craig, a tailor's wife, by tearing down her hair about her eyes, bruising her face, and then dragging her to a sellar 'and almost wirred her;'" therefore Smith was sentenced to pay a fine of four merks to the dean of guild, and also to crave pardon from God and the offended party, and further, she was bound not to trouble Craig again, under the penalty of banishment. On the 17th of the same month, Peter Crombie, merchant, was accused of going to John Scot's house and assaulting his wife, by striking her on the breast and throwing her down; he was fined eight merks. On the 20th of November, James Smith, a weaver, and Alexander Kemp, a wright, were both convicted, for going to the house of Alexander Sangster, a weaver, in the silence of night, and breaking up the door with a forehammer, and then entering the house with drawn swords in their hands; for this they were sentenced to be imprisoned for eight days, and thereafter banished from the city. The same day William Duncan, a servant of Thomas Walker, shoemaker, was convicted for going to the house of James Hall, shoemaker, at night, and drawing a sword and threatening to attack him, and also uttering most abusive expressions towards him, because he would not allow his servant to go out of the shop with him to eat a lamb's leg as he desired. Duncan was sentenced to imprisonment for eight days, and to find caution for his good behaviour in future. The same day Robert Gordon, a tailor, was convicted for drawing a sword to William Walker, and threatening to strike him, both of them being drunk; Gordon was sentenced to imprisonment till he relieved himself by the payment of his fine. The 11th of December, Sara Fowler was convicted for scolding and defaming Andrew Birnie, merchant, by "calling him a cankered carle, exclaiming on the streets and saying to his wife that she was as gentle

a woman as herself." Sara was sentenced to be imprisoned for eight days, with an intimation that if ever she should be again convicted, she would be put in the stocks.[14] Of course this enumeration is not complete, as it does not include the higher class of crimes which were tried before the sheriff and the circuit court.

Theft was not so prevalent in the burghs as it had been at an earlier period. In Glasgow, on the 23rd of November, 1611, two men were banished for theft. The magistrates, in August, 1613, passed an act for preserving the growing crops from thieves; and it was proclaimed by sound of drum, "that no person be found bringing to this burgh any kind of stuff, as peas, beans, corn, barley, wheat, or rye, upon horseback in burdens, after the hour of four in the afternoon during the harvest; and any one found contravening this, shall be held as a thief and an oppressor of his neighbour, and shall pay a fine of five pounds and be placed in the stocks." It was stated in 1642 that the city was abused by thieves, who escaped punishment.[15]

In preceding chapters the attempts of the Government to provide for the poor and helpless were noticed,[16] and Parliament continued to pass Acts touching the poor, and the repression of beggars and idle vagabonds. These classes were numerous in Scotland, and great difficulty was experienced in dealing with them. By a short Act passed in 1597, the administration of the poor-law was entrusted to the kirk-sessions; and, by an Act of 1600, the sessions were to be assisted by one or two of the presbytery. The common aim of all the early Acts relating to the poor was to prevent begging, as much as to make provision for the aged, the helpless, and the infirm. It was therefore provided that strong beggars and their children—terms which were meant to include all the able-bodied poor—should be employed at common labour. But it seemed this arrangement was not effective, as vagrancy still prevailed. An elaborate act was passed in 1617, entitled "An Act anent the Justices, for keeping of the King's peace, and their Constables." The object of this

[14] *Burgh Records of Aberdeen*, Vol. III., pp. 255, 256, 259, 261, 264, 265, 267, 269, 271, 272-274. In 1662, the town council of Aberdeen agreed to give the town's scourger thirteen shillings and fourpence of weekly wages; and also gave him the two little houses under the Gallowgate Port to dwell in, while he continued scourger.—*Burgh Records*, Vol. IV., p. 203.

[15] *Burgh Records of Glasgow*, pp. 325, 338, 437.

[16] Mackintosh's *Hist. of Civilis. Scot.*, Vol. II., pp. 238-39, 266-68.

statute appears to have been to establish a more complete local system of police organisation. The various duties of the Justices of the Peace are minutely described. They were directed to hold a session quarterly, and to put the law into full execution against all wilful beggars and vagabonds, against idle men and women, without any trade or certain occupation, lurking in ale-houses, and reputed as vagabonds, and against all those persons commonly called Egyptians. They were also enjoined to punish and to fine those who received or let houses to such persons, and not to permit innkeepers to receive masterless men, rebels, or persons guilty of known crimes. They were empowered to impose a rate on every parish for a weekly portion not exceeding the sum of five shillings Scots, for the support of poor parishioners, who might otherwise starve before the trial came on. They were ordered at their quarter sessions to appoint constables to every parish, two or more according to its extent; but in the royal burghs the constables were to be appointed by the magistrates. Anyone named as a constable, who refused to accept the charge, was to be imprisoned and fined at the discretion of the justices. The duties of the constables were to arrest all vagabonds, sturdy beggars, and Egyptians, and to bring them before the nearest justice of peace. They were further directed to apprehend all idle persons, whom they knew to have no means of livelihood, or who would not betake themselves to any honest labour; and they might also arrest any suspected person, "who sleeps all day and walks all night," and convey him to the nearest justice of the peace.[17]

At the same date, an act directly touching the poor was passed, differing from previous ones, inasmuch as it proposed to educate poor children and train them to labour. It recommended that the children and orphans of poor and indigent parents might be taken into families and brought up and educated, and put to learn honest callings. The children to be thus treated were to be certified by a magistrate or the kirk-session in burghs, and by the kirk-session in county parishes, to be poor and without any means of living. When under the age of fourteen, they were, with the consent of their parents, if they had any, and if above that age, with their own consent, to be delivered to their masters with a testimonial, which was to be a warrant for receiving them, and for their masters partaking of the benefit of the act. To encourage people to receive

[17] *Acts Parl. Scot.*, Vol. IV.

such poor children, it was enacted, "that they should be bound and restricted to their masters, their heirs, and assignees, in all kinds of service which should be enjoined until they be past the age of thirty, and that they should be subject to their master's discipline in all sorts of punishments, except torture and death." [18] As this act was permissive it had little effect; but it was objectionable in principle, as it sanctioned a kind of modified slavery. Still, begging and vagrancy were great social evils in Scotland, and any means which promised to check them would appear to have been justifiable to the legislators of those times.

In 1649, Parliament took into consideration the great number of poor and distressed persons throughout the kingdom, exposed to misery, because there was no general and regular mode of granting them relief, which was a reproach to their Christian profession. Therefore, it was enacted that each parish and presbytery should be bound to support their own native poor. It was enacted that a list of the poor in every parish should be made up twice a year, on the 1st of December and the 1st of June, at which times parties were requested to intimate to the parish what sum of money or quantity of victuals they were willing to give per month, as a charitable contribution for the support of the poor in every parish. But if the common good and this yearly contribution proved insufficient to support the poor, then the Act authorised a rate to be imposed, to make up the requisite amount. Touching the levying of the rate for the poor, the following occurs in the Act:—"The same shall be imposed on the heritors and others by the elders and deacons of every parish respectively, with as much equality as is possible; wherein they are to have special regard to lay the greater proportion on those masters that deal rigorously with their tenants, and thereby impoverish and put them to beggary, and to deal the more favourably with those masters who endeavour to maintain their tenants, and deal charitably with them: and in distributing of the alms, special regard is to be had to the pious, and a distinction to be made between such and the profane debauchee or drunken sort." A section of the Act was directed against beggars and other vagabonds and idlers, and power was given to any one "to take and apprehend such idle and sturdy beggars and to employ them, or dispose of them to others to be employed, in working for their meat and clothes only." [19]

[18] *Acts Parl. Scot.*, Vol. IV.

[19] *Acts Parl. Scot.*, Vol. VI., pp. 389-391.

In 1661, another Act was passed authorising the establishment of manufacturing companies; and with the view of reaching the children of the idle and vagabond class, it was directed that in each parish one or more persons should be appointed at the expense of the heritors for instructing poor children, vagabonds, and other idlers, in mixing wool, spinning worsted, and knitting stockings. The carrying out of this Act was entrusted to the heritors of each parish, but it does not appear to have been put into operation. The same year an Act was passed containing instructions to Justices of Peace, which was mainly a repetition and extension of the Act of 1617, touching the local organisation of police and the administration of the law in petty offences and crimes. The clause concerning the poor enacted that the Justices should, twice in the year, on the 1st of December and the 1st of June, make up a roll of the poor in every parish, to include only those who were unable to work or incapable of gaining their own living. They were then to appoint two or more overseers in every parish, who should inquire and ascertain the state and the number of the poor, the sick, the lame, and the impotent inhabitants, of poor orphans, and destitute children; to provide dwellings for them, and after ascertaining what the necessary expense would amount to weekly, to call for the collections of the parish, or other sums appointed for the support of the poor, which the overseers were directed to distribute among the poor people according to their needs.[20] The powers conferred by this Act on Justices of Peace seems never to have been exercised by them; but the Act clearly indicated what classes of persons were deemed entitled to parochial relief, as it excluded all who were in any way able to gain their own living. Thus the casual or able-bodied poor were not recognised as legally entitled to any relief, the law treating them as bound to earn their own living.

An Act touching beggars and vagabonds was passed in 1663, which, after referring to the failure of the many former acts on this matter, proceeds to declare it lawful "for all persons or companies, who have or may erect manufactories, to seize any vagabonds who shall be found begging, or masterless and out of service, and have nothing to maintain themselves; and then to employ them in their works as they shall think fit; this being done with the advice of the magis-

[20] *Acts Parl. Scot.*, Vol. VII., pp. 255-256, 306-314; Dunlop's *Law of Scotland Relating to the Poor*, p. 16.

trates of the place where these persons are seized; and commands that the parishes where such vagabonds and idle persons were born, or in case the place of their nativity be unknown, then the parishes where they have any residence, haunt, or frequent resort, for the three years preceding their apprehension, which, being thus relieved of the burden of them, to make payment to the persons or companies who may happen to employ them—the sum of twopence per day for the first year, and one penny for the next three years; the one-half of this to be paid by the proprietors of the several parishes, and the other half by the possessors and the inhabitants dwelling upon the land of each heritor." The Act also directed, that public intimation of a meeting should be made at the parish church, to frame a rate-roll for the support of the poor in their parish, who should be employed as above stated. "The poor thus employed shall continue in the service of their employers, under their direction and correction, not only during the time which the parishes pay for them, but also for seven years thereafter, receiving only their meat and clothing." [21]

At the first glance, this Act appears to offer great facilities to commercial companies and corporations, as they were empowered to seize, and compel to work for their benefit, all beggars, vagabonds, and persons out of employment; and instead of paying for their labour, being themselves paid for employing such persons. This was carrying the encouragement of manufactures far enough; and as such companies were also exempted from all import and export duties, and protected from home competitors by a previous Act, and to have labour for nothing, what more could they desire? But work performed under these conditions could hardly have been successful, and it does not appear that any attempt was ever made to put the Act into operation.

In September, 1672, it was stated in Parliament that in bypast times many good laws had been passed for the suppression of beggars, vagabonds, and other idle persons, but still a numerous brood of such persons remained, and were daily increasing, living without law or rule, civil or sacred, and a great burden and a reproach to the kingdom. Therefore it was enacted that the magistrates of all the burghs in the kingdom should provide correction-houses for beggars, vagabonds, and other idle persons, before the month of June, 1673, under

[21] *Acts Parl. Scot.*, Vol. VII., pp. 485-486.

the penalty of five hundred merks quarterly until such houses were provided: and the sums raised from these penalties were to be applied for building or purchasing correction-houses. They were directed to be built with an open close, that the health of the poor people might not be hurt by keeping them always within doors. At the same time, it was again declared to be lawful for coal-masters, salt-masters, and manufacturers, "to seize upon any vagabonds and beggars, wherever they can find them, and put them to work in their coal-haughs and manufactories." The execution of the Act was committed to the Privy Council, with full powers to enforce it. But in spite of all this, no correction-houses were erected in conformity with the provisions of the Act, which remained inoperative.[22]

In the three years from the beginning of 1692 to 1694, the Privy Council emitted several proclamations concerning the poor; and Parliament, in 1695, revived and ratified all the former acts for maintaining paupers, and for the repression and punishment of beggars, and ordered them to be put into vigorous execution. Owing to a succession of bad harvests during the later years of the century, the distress among the lower classes in Scotland was very great, the sufferings of the poor, and mendicancy were increased, and the Government had to endeavour to meet and to mitigate both. In 1698, Parliament passed another Act touching the poor, ratifying former Acts for repressing beggars and for maintaining paupers; reciting portions of the Act of 1617 referring to the employment and upbringing of poor children; quoting the Act of 1663 which empowered the masters of manufactories to seize idle vagabonds and set them to work; and also referring to the Act of 1672, and to the proclamations of the Council, ordering the erection of correction-houses—all of which were commanded to be put into vigorous execution in every point. The Privy Council was empowered to appoint supervisors and inspectors of the poor, to see that the laws were put into effect: and moreover, it was authorised to frame and issue regulations (as far as consistent with the standing laws) to ensure employment and maintenance of the poor, and freeing the kingdom of vagabonds and idle beggars.[23] For a long time the various burghs had

[22] *Acts Parl. Scot.*, Vol. VIII., pp. 89-91. "There does not exist in Scotland a single correction-house applied to the purposes set forth in the act."—*Dunlop on the Poor-Law of Scotland*, p. 20.

[23] *Acts Parl. Scot.*, Vol. IX., p. 463; Vol. X., pp. 177-178.

their own regulations for the relief of the poor. In the beginning of the year 1639 the magistrates of Glasgow adopted a rule to the effect "that the sum of six hundred pounds be advanced, and for the better collection of it, they have ordered, that there should be a fifth part added to the rate of each parish, and the bailies to collect it with the stint-money." About the end of April the same year, the magistrates "concluded that the poor be kept in their houses for a quarter to come, and ordered a contribution to be gathered to that effect, and intimation made through the town by sound of drum, to come on Wednesday next at the ringing of the bell, with certification to be poinded for the double of the sum if they failed." [24]

The preceding is but a brief account of what was attempted to be done to provide for the poor, and to relieve the nation of the mass of vagabondism and vagrancy. Throughout the history of the nation the difficulty of treating the matter effectively resulted from the fact that the country was oppressed with a great number of able-bodied idlers and wandering characters, well able, but determined not to work; being from circumstances and by evil habits engendered through centuries of idleness, socially and morally insensible of the duty of supporting themselves by honest energy and industry. Accordingly the attempt to introduce the labour test was distinctly and repeatedly made, and it has continued as a special feature of the Scotch Poor-Law system down to the present century.

The idle and vagrant population in the later years of the seventeenth century was enormous. Besides the general causes of the prevalence of vagrancy in Scotland, which had engaged the attention of Government from an early period, there were, in the sixteenth and seventeenth centuries, particular causes which tended greatly to increase the number of such persons. For a time, at least, the religious revolution of the sixteenth century augmented the pauper classes; and in Scotland this was followed by the Civil War in the first half of the seventeenth century, which again was succeeded by twenty-seven years of misgovernment and persecution. This latter period especially was attended with so much confiscation of property, so many ruinous fines, so many apprehensions, imprisonments, and banishments, so much interruption of regular industry by military occupation and execution, and so much waste of the means and goods of the most industrious classes of the people—all which could

[24] *Burgh Records of Glasgow*, p. 400.

not fail to increase their poverty. Thus it was that, toward the close of the seventeenth century, in spite of all the legislative enactments, in spite of the influences of religion, in spite of all the restraints and the inducements to honest exertion, arising from a slowly advancing civilisation, Scotland still presented the gloomy spectacle of an enormous mass of vagrancy.

Fletcher estimated the idle and vagabond population of Scotland at 200,000, living without religious, moral, or domestic restraint, revelling in iniquity, and committing crime with impunity.[25] Though his statement is probably exaggerated, we know from other sources that the amount of vagrancy and wretchedness was very great in proportion to the population, and that several generations later, there was still a large body of poor in Scotland.

The police arrangements of the kingdom were extremely imperfect; while in many places the local hereditary powers continued intact with all their capriciousness and irregularity. Even in the chief towns there was no regularly organised police force, their place being supplied by the town-sergeants, and in times of special danger or the alarm of impending war, a night-watch was appointed.

From the earliest times the Scots had a vivid and deep sense of the supernatural, and the ideas and dogmas associated with the Reformation had taken a firm hold on their minds. Their leading ideas of religion, indeed, had been modified, and a new external form of polity adopted by the people; yet many of the older notions and customs, interwoven with their former beliefs and habits, still survived here and there in more or less vigour. Their ideas of supernatural powers, of evil spirits, and of witchcraft, were little abated: while they were animated with an earnestness of conviction and a fervency of feeling, which stir the deepest cores of the human heart. In an age when beliefs are firmly held, and ideas and doctrines vividly realised in the mind, when belief in a definite creed is deemed essential to secure salvation and everlasting happiness, when people are fully satisfied and quite certain that they are right, there is an inevitable tendency to intolerance. This was the condition of the nation in the seventeenth century; to expect tolerant views of religion was vain.[26]

[25] Fletcher's *Second Discourse on Public Affairs*, published in 1698.

[26] A good example of the religious ideas and feelings of the time may be seen in the *Diary of Alexander Brodie*, printed for the Spalding Club, 1863; it embraces the period from 1652 to 1685. Brodie was a Lord of Session, and had held a seat in parliament.

From the Reformation onwards, the laws against Roman Catholics were severe, while they were more or less persecuted throughout the seventeenth century, save during the short reign of James VII. About the middle of the century, the Quakers, against whom the Scots manifested much aversion, began to attract attention. During the government of Cromwell these dissenters began to multiply; they having been allowed at that time more freedom than was usual in Scotland. In 1656, they became bold, and held meetings on the Castle-hill of Edinburgh, which were well attended; about the same time their doctrines began to spread among the people. On the 30th of April, 1657, the presbytery of Lanark excommunicated eight persons for their adherence to Quakerism.

In 1665, three Quakers were imprisoned in Edinburgh. In the end of the year 1663, the town council of Aberdeen ordered that George Keith, William Neper, and William Stuart, three trafficking Quakers, should be conveyed out of the town by the officers, and warned that, if they returned, they would be given in charge to the hangman, and punished as the magistrates thought fit. The inhabitants of the town were forbidden to receive such persons into their houses or families, under the following penalties for each offence: If a burgess of guild, sixty pounds; if a tradesman, thirty pounds; and if one of the lower classes, ten pounds; and for the offence of attending any of their meetings, a penalty of five hundred merks was to be exacted.[27]

The magistrates of Aberdeen, in 1670, stated, that in spite of the Acts of Parliament, of the Privy Council, and the former acts of the town council, it was found that the Roman Catholics and the Quakers often held meetings in the city. They had expected that at least some respect would have been shown to the laws by the citizens; and to manifest their own earnestness in attempting to reclaim the obstinate and disobedient, they ratified the former acts against such persons, and ordered them to be proclaimed. But only a month after, the authorities again met to consider the fact that, notwithstanding all the acts emitted against the Quakers' meetings, they still continued to be held. It was then resolved that all persons found at the next Quakers' meeting should be apprehended and imprisoned, and detained till they became bound to desist from meeting; and lest the female Quakers might also meet, it was

[27] *Register of the Privy Council*; *Burgh Records of Aberdeen*, Vol. IV., p. 207.

commanded that the doors of the houses where they usually met should be closed and the keys taken from them, that the city might be entirely free from their meetings. The hopes of the council were not realised. In November, 1671, they were informed that Thomas Milne, a shoemaker, and a professed Quaker, had buried his child on a Sunday afternoon, in a kail yard, on the east side of the Gallowgate, which was never before used as a burial-place. This was an intolerable encroachment upon the privileges of the burgh and the rights of the citizens, and after deliberation, the magistrates ordered that the body of the child should be disinterred, and carried to Footdee Chapel burial-ground, and there re-interred. At the same time, they resolved to deprive Milne of the rights of a citizen, and ordered his shop to be shut up, and himself to be removed from the burgh within one month. This, however, was not carried out, for the following year his case was again before the council, and he was accused of burying his child in a kail-yard on the east side of the Gallowgate. He was now fined twenty pounds for contempt, and sentenced to be imprisoned till he paid it. The Quakers had enclosed the piece of ground in question with the intention of using it as a burial-place for themselves, but the council ordered the walls to be destroyed, and the place to be used as it was before.[28] The council were, however, unsuccessful, many Quakers afterwards being interred in the same ground.

In November, 1674, the town council of Aberdeen received an order from the Government to liberate two Quakers, Thomas Dockey and William Gelley, who had petitioned for liberation. They had been long in prison, and were set free on condition that if they were again found attending meetings, they would be punished according to the laws. At a meeting in 1675, the council had under consideration the increase of Popery and Quakerism in the city, and since the town council was prohibited by Acts of Parliament and Council from letting houses to such persons under penalties, it was resolved that no Catholic or Quaker should hereafter be admitted a burgess or freeman of the city, and that they "are and shall be altogether debarred therefrom, excepting always the sons of burgesses of guild succeeding to their fathers in lands or in waters held by the town, who are and may be allowed the foresaid liberty in virtue of their fathers' right." In March, 1676, one of the bailies informed the

[28] *Burgh Records of Aberdeen*, Vol. IV., pp. 261, 265, 277, 280, 283, 289.

council that he had discovered that John Forbes was printing a book for the Quakers, and that he had seized a part of it from the printer. The council approved of his action, and resolved to consult the bishop on the matter. The Synod of Aberdeen, in 1668, adopted a special form of excommunication against the Quakers: "Forasmuch as A. B. has fallen from the truth of God and the unity of the Church into pernicious errors and unchristian practices of that lately risen sect, commonly called Quakers, particularly in slighting and reviling the public ordinances of God, and being convicted thereof . . . I do, in the name of the Great God, and by the authority of His Son, our Lord Jesus Christ, the glorious Head of this Church, excommunicate the said A. B. from the communion of the Church, and reject him from the privileges and fellowship of the faithful, leaving him bound to the judgment of the Lord, until he gives sufficient evidence of his repentance; requiring you, and all Christian people, according to the commandment of Christ, to avoid the said person, and to have no company with him, that he may be ashamed, until he be reconciled to the Church, as you would not incur the displeasure of God and the servants of the Church, which upon such as transgress therein will be inflicted." The Synod, in 1671, also commanded the ministers of the presbytery of Garioch to use their utmost endeavours to restrain Quakerism.[29]

About the year 1671, Robert Barclay of Urie, the author of the well-known work, *An Apology for the Quakers*, joined this sect. In the dedication of his work to the King, he stated that the Quakers did not intermeddle with politics; and even when they were subjected to the most violent persecution, they boldly stood to their testimony for God, without creeping into holes or corners, or hiding themselves, as other dissenters had done. But the authorities continued to treat the Quakers with great severity. In the beginning of 1672, fifteen of them were imprisoned at once for holding a meeting at Montrose; and in March, 1673, eleven persons were imprisoned at Kelso for holding a meeting. Yea, in 1683, the Bishop of Aberdeen reported to the Privy Council that in this district the Quakers were so bold as to build meeting-houses for their worship, and schools for their children, instructing them "in their godless and heretical opinions;" and also providing funds for supporting these

[29] *Burgh Records of Aberdeen*, Vol. IV., pp. 289, 292, 294; *Selections from the Register of the Synod of Aberdeen*, pp. 288-289, 295.

establishments, and in some places adding burial-grounds for their own special use. The council issued orders for an inquiry among the leading Quakers concerning the owners of the ground on which these unnecessary houses and schools had been built. The result of such an inquiry is obvious. Even after the Revolution, the Quakers in Edinburgh, in Glasgow, and in other towns, were very severely treated.[30]

Trials and executions of witches frequently occurred in this century, but it would be tedious to enter into particulars of the trials. Indeed, many of these are quite unfit for publication, such as the descriptions of the dealings of some of the witches with the devil, and the horrible stories which were adduced as evidence.

In 1622, Margaret Wallace, the wife of John Dinning, clothier in Glasgow, was tried before the Justiciary Court at Edinburgh, for various acts of witchcraft, and as a common practiser of witchery. It was stated, as an element against her, that she had been a confederate of Christian Graham, a notable witch, executed in the preceding year. It was affirmed that she had been a witch for eight years, and a common consulter with witches. It was alleged that she had conceived a deadly hatred of Cuthbert Greig, a cooper and a burgess of Glasgow, because he had spoken against Christian Graham. "She avowed that she should make him, within a few days thereafter, unable to work or to win a cake of bread for himself." Accordingly he was soon after attacked and troubled with a strange, unnatural, and unknown disease, by which he was most cruelly tormented with continual sweating for two weeks, when he was reduced to extreme weakness. The man's friends endeavoured to induce her to interpose for his recovery, but she for a long time refused. At last she came to his house, and "to manifest her skill for his help, took him by the wrist with the one hand, and laid the other hand upon his breast, and, without speaking a word, save only moving her lips, left him immediately. She returned next morning, took him by the hand and bade him arise, who at that time, and for fifteen days before, was unable to move his limbs without help; having urged him to rise, she took him by the hand, brought him out of his bed, and through the house into the outer room, where, by her sorcery and charming, he walked up and down the floor without any support." After this, it was stated, that he soon recovered from his illness.

[30] *Register of the Privy Council.*

She was also associated with Graham in curing children of sickness by unlawful means, "by devilry, sorcery, and witchcraft." The onlaying and offtaking of sickness among children form a considerable part of the indictment against her, and it was alleged that in one instance, when she had inflicted sickness on a child, she allowed it to die. At her trial she was ably defended; but she was convicted and sentenced to be hanged and burned, and she was accordingly executed on the Castle-hill of Edinburgh.[31]

In 1623, Thomas Grieve was tried in Edinburgh for practising a sort of medical witchcraft. He was accused of having cured a number of persons of sickness and grievous diseases, by sorcery and witchcraft, by making signs and crosses, and the uttering of certain unknown words. "He took sickness off a woman in Fife, and put it upon a cow, which thereafter ran mad and died." He also cured a woman "of a great and painful sickness, by drawing her nine times backwards and forwards by the leg." He cured a child of a disease which was rapidly consuming it, "by straiking back the hair of his head, and wrapping him in an anointed cloth, and by that means putting him asleep, and thus through his devilry and witchcraft cured the child." Another point of his indictment was, "for curing of William Cousine's wife by sorcery and witchcraft, by causing her husband to heat the coulter of his plough, and to cool the same in water brought from the Holy Well of Hillside, and thereafter making certain conjurations, crosses, and signs upon the water, causing her to drink thereof for her health, and thus, by sorcery, cured her of her sickness." One point of the indictment described a different mode of curing sickness. "For curing of James Mudie, with his wife and children, of the fever, and namely, in curing of his wife, he caused a great fire to be put on, and a hole to be made in the north wall of the house, and a live fowl to be put forth thereat, at three several times, and taken in at the house-door backwards) or contrary to the course of the sun), and thereafter taking the fowl and putting it under the sick woman's arm-pit, and then carrying it to the fire, where it was held down and burnt alive; and in that devilish manner,

[31] Pitcairn's *Crim. Trials*, Vol. III., pp. 508-536. Margaret Wallace's trial was a very long one; her counsel contested every point of the indictment, which consisted of ten charges. The jury was unanimous in finding her guilty of the general charge—"as a common consulter with witches these eight or nine years . . . and as practising devilry, incantation, and witchcraft, especially forbidden by the laws of Almighty God, and the municipal laws of the realm."

practiced by him, cured her of her sickness." For this he received twenty pounds from her husband. When curing diseased cattle, he put them thrice through a hesp of yarn, and sprinkled the fire with enchanted water. The hesp of yarn was supposed to possess peculiar healing virtues. Thomas Grieve put several of his patients three times through a hesp of yarn, and then threw it into the fire, where it burned blue, so that his patients were cured. The jury found him guilty of sorcery and witchcraft, and he was sentenced to be executed on the Castle-hill of Edinburgh.[32]

During the reign of Charles I. many witches were tried and executed in Scotland. When such crude notions prevailed, it was not surprising that pretence and imposture should come to the surface. So in 1633, John Balfour in Corshouse had assumed the profession of a discoverer of witches, "by observing the devil's mark upon some part of their person, and thrusting of pins in the same." The Privy Council record mentions that, "upon presumption of this knowledge, he goes through the country, abusing simple and ignorant people, for his own private gains." It was therefore resolved to inquire into his pretensions to such knowledge, and by what means he acquired it.

In the records of the Church courts many notices of witchcraft, and of persons using charms for curing disease, occur throughout the century. The kirk-session of Aberdeen, in 1630, summoned James Hall to appear in the church before God and the congregation, to confess his fault, and to crave forgiveness for seeking relief of his fever by means of charming. In 1637, Isabel Malcolm appeared before the presbytery of Strathbogie, and when accused of charming, she confessed that she had practised charming for twenty years.[33] The case "was continued in the hope that she should be found yet more guilty." These cases of witchcraft and charming referred to in the ecclesiastical records were often connected with attempts to cure some severe disease. Associated with this form of the superstition

[32] Pitcairn's *Crim. Trials*, Vol. III., pp. 555-558. In the appendix to the third volume of Pitcairn's *Criminal Trials*, the confessions of three women accused of witchcraft, in the years 1649 and 1662, are given at length; and they contain a great mass of the most repulsive details of this degrading superstition. Of all the records of witchcraft which I have examined, these are the most vulgar and absurd.

[33] *Selections from the Records of the Kirk-Session of Aberdeen*, p. 111; *Extracts from the Presbytery Book of Strathbogie*, p. 15. Other notices of charming and sorcery occur in the records of this presbytery.

there was a kindred one called "neid-fire," that is, fire produced by the friction of two pieces of wood; and this was resorted to for curing diseased cattle, and seems to have descended from prehistoric times.

The General Assembly of 1649 had under consideration the sin of charming and witchcraft, and appointed a commission to deal with the matter. At this time there was a general attack made upon the witches and charmers throughout the kingdom; and in the summer many of these poor creatures were tried, condemned, and executed; while the Committee of Estates issued various commissions for the trial and execution of the witches. It also passed an Act "against consulters with devils and familiar spirits, and against witches and consulters with them," and ratified all former acts on the subject. These trials were infectious, as when one witch was brought up, she often accused others, and under the influence of this mania strange declarations were uttered. In the month of March, 1650, Janet Couts, a confessed witch then imprisoned in Peebles, accused eleven women in Lanark of witchcraft. They were accordingly apprehended, and Cathie, the pricker, before witnesses, "did prick pins in every one of them, and in several of them without pain when the pin was put in, as the witnesses can testify;" the women were therefore detained in prison. Efforts were made to induce them to confess their guilt, and every exertion was made to collect evidence against them, but hardly anything could be found, though at length charges were framed against three of the women. One of them, however, was liberated upon the statement of Janet Couts herself. The other two were tried by a Commission, and witnesses on oath minutely examined, but nothing could be proved against them; and they were dismissed on giving caution to appear again if required. About this time a man of the name of John Kincaid acted as a pricker of the witches. A quotation from his evidence in a trial for witchcraft will give an idea of this feature of the proceedings. The parties accused, Patrick Watson and Manie Haliburton, were tried in 1649, and the pricker's testimony was to this effect: — "I, John Kincaid, was desired to use my trial of them, as I have done to others; which, when I had done, I found the devil's mark upon the back of the said Patrick Watson, a little under the point of his left shoulder; and upon the left side of the said Manie

Haliburton's neck, a little above the left shoulder; whereof they were not sensible, neither came forth thereof any blood, after I had tried the same as exactly as ever I did any others. This I testify to be of verity upon my credit and conscience." At the same period, there was a pricker in the north of Scotland, called John Dick. And he, without any authority, pricked an old man, John Hay, a messenger in Tain, and then caused him to be sent to Edinburgh and imprisoned. But on a petition from Hay, accompanied with certificates of character, the Lords of Council ordered him to be liberated. In this way suspected women were sometimes subjected to great torture.[34]

Thus it was, that under the influence of a malignant and debasing belief, many innocent persons were insulted, annoyed, injured, and imprisoned, dragged to trial, and sometimes sentenced to death itself.

During Cromwell's sway in Scotland, the prosecutions for witchcraft were much restrained; but after the Restoration, for two or three years, many were executed. The first session of the Restoration Parliament of 1661 granted many commissions for trying persons accused of witchcraft, to make up for the lenity of the past period. In illustration of the notions adduced as facts at these trials, the case of Margaret Bryson may be taken: she came to words with her husband about selling her cow, "went in a passion to the door of the house in the night-time, and there did imprecate that God or the devil might take her from her husband; and the devil immediately appeared to her, and threatened to take her body and soul, if she did not enter into his service." Another woman covenanted with the devil, and received a sixpence from him; he said that God bade him give her that, and asked how the minister was, and other questions. A domestic servant named Scott had much intercourse with the devil, and by his aid she raised gales of wind for the destruction of shipping. She often met the devil at night.[35]

During the period of the persecution, the zeal against witches flagged, and the executions for witchcraft decreased. After the

[34] *Acts Parl. Scot.*, Vol. VI., pp. 447, 464-465, 492, 359; Pitcairn's *Crim. Trials*, Vol. III., p. 599.

[35] *Acts Parl. Scot.*, Vol. VII., pp. 123, 196, 233, 235, 247, 248, 268, 283, 336; *Register of the Privy Council.* In the records of the Council there are instances of witches being acquitted, but detained in prison at the request of magistrates and clergymen, in the hope that more conclusive evidence would yet be obtained against them.

Revolution there was a short outburst against them; but from this time onward, the belief began to languish, until it has gradually, and with difficulty in some parts of the country, died out. The last execution for witchcraft in Scotland occurred in 1722. The crude and most pernicious notions associated with witchcraft faded with the advance of education, the diffusion of definite intelligence, and more exacting modes of testing evidence; and lingered longest in the remote corners of the country, least affected by the stirring influences of modern civilisation.

The social morality of the nation in the seventeenth century cannot be characterised as elevated, though in some directions there was evidence of improvement. An account of the means adopted for the amelioration of the morals of the people after the Reformation was given in the second volume of this work, and an indication of its operation on the national character throughout the century under review is all that seems requisite. The discipline exercised by the Presbyterian Church was rather severe and rigid, though from this standpoint it has frequently been greatly exaggerated. It should be distinctly remembered that the presbyterian form of worship and polity was the choice of the people themselves, that they were fully represented in all the Church courts, in the sessions, the presbyteries, the synods, and the General Assemblies; they had a voice in the election of their ministers, and members of every congregation had votes in the election of the elders and deacons, who constituted the session. In fact, in the history of presbyterianism, we meet with evidence at every turn, that the clergy themselves were much under the influence of the people, who in various ways wielded a practical and effective control over their ministers. The Scots submitted to some severe rules and curious forms of punishment for social and moral offences, which emanated from the Church courts; but even in these matters resistance was frequent, and the tyranny of the presbyterians over one another was never of long duration.

All licentious conduct in the relations of the different sexes was severely handled. In the beginning of the century the kirk session of Aberdeen was exercising a strict surveillance over the citizens. John Mitchel was ordered to be imprisoned in the vault of the church, until he found caution that he would adhere to his wife, and maintain her. At the same time, John Davidson, a wright, who had been twice warned to appear and answer to the complaint of his

wife, but had failed to appear, was for his contumacy ordered by the session to be apprehended, and put into the steeple until he obeyed their ordinance touching his adhering to his wife and his future behaviour to her. Christian Burnet was ordained to stand a certain time in the session-house, "and then to be led through the town in a cart, with a crown of paper on her head, and to be publicly banished at the market-cross, because she had seduced her sister to harlotry with James Sinclair, which was committed in Christian's own house; and the reason why she was so punished to be openly proclaimed by the hangman." It was quite common for the Session to interfere on the side of a wife against her husband, or on the side of a husband against his wife, when either of them had failed in performing their mutual duties.[36]

The kirk session of Aberdeen adopted the following heads of reformation in 1604, applicable to every family in the city. The whole family should keep the Sabbath, abstaining from all manual labour, attending all the sermons in the parish church, and all those who could read should learn to sing publicly. The heads of families should attend all the sermons on the week days, and should meet to the catechising as often as they were called by the church-officer. All families should humble themselves, privately or openly, twice every day, using divine worship and frequent prayers. There should be no swearing, no profane language, no unseemly behaviour in any family; and if a member of the family transgressed, he was "to be sharply punished with a palmer on the hand, or a penalty in money, and in case of persistence, it should be reported to the visitors. The masters of families should diligently report all persons guilty or suspected of charming, popery, harlotry, drinking, night-walking, or any other inordinate livers. No house proprietor in the town should let houses to, or lodge, persons known or suspected to be excommunicated, or any obstinate Catholic, Jesuit, priest, or other stranger, till they have first informed the magistrates and the minister, and received their permission." Certain rules were also approved for the guidance of the visitors of the burgh. The ministers resolved that every Thursday afternoon they should wait on their people for examining and catechising them, and to continue this instead of the morning sermons until the people be better acquainted with the knowledge and the grounds of their salvation. The visitors were

[36] *Selections from the Records of the Kirk-Session of Aberdeen*, pp. 23, 40-1.

instructed to assemble the families under them for examination, and to inform the examiners of such faults in the families as required rebuke and admonition, before making any public complaint against them.[37]

At stated times each presbytery visited the churches within its bounds, when a strict and searching examination was instituted into the life and the work of the pastors, as well as their flocks. An example or two will give an idea of these proceedings, and of the ecclesiastical economy of the time. In September, 1609, the presbytery of Aberdeen visited the church of Durris, and after prayer by the bishop, they proceeded with the matters of the visitation. The elders of the congregation were present, and Alexander Youngson, the minister, was removed, and then the elders gave their opinion of his ministry. The record says that he was well commended both by the eldership and the parishioners, "praising God for him." The minister and the elders were commanded to put their acts into execution against all who contravened them, and amongst the rest against sleepers in the church during divine service.[38]

The presbytery of Strathbogie visited the church of Gartly on the 16th of July, 1651, and directly proceeded to business. John Chalmer, the minister of the parish, was called, and gave in a list of the elders and deacons of the parish, containing eighteen names, and they were all sworn "to declare boldly what they knew in their minister, his doctrine, his life, his conversation, and the exercise of his calling among them, as in the sight of God, before whom they were shortly to answer. The minister and the other elders being removed, John Innes of Codrain, one of the elders, was asked whether the minister behaved himself like a man of his calling in his private conversation: answered, he did lead an innocent, blameless life, and exemplary in these points, and that he did not frequent ale-houses or such places, but was diligent in the restraint of such unlawful exercise when occasion offered. Being asked whether he had the worship of God set up in his own family, and reading of the Bible morning and evening: answered, that he had indeed, and that he was not forgetful of such holy exercise to have his children also instructed in this. Being asked concerning his doctrine, how he taught, how often, and if on the week-days: answered, that he did teach them soundly and

[37] *Selections from the Records of the Kirk-Session of Aberdeen*, pp. 32-34.
[38] *Ibid.*, pp. 201-202.

convincingly out of the Scriptures, and seasonably, bringing forth ordinarily abundance of food, conveniently, sensibly, and articulately delivering the same in such a manner as all might be able to understand it; and that sometimes, as his text led him, as he saw the necessity, he did express himself against the errors of the times, to wit, malignancy and sectarianism; in his sermons he constantly showed himself against both, and argued for obedience to the public resolutions of the times. He preached twice on Sunday, and lectured before sermon in summer, baptised after it, before the blessing, with such reverence and due respect as stirs up all to be attentive and to countenance the ordinance. Sometimes he lectured on the week-days, and sometimes catechised; always had the psalms sung in the time of divine service; and before the celebration of the Lord's Supper, was more punctual and frequent in examining his people than ordinarily. Moreover, he declared that the minister was exact in discipline, and used no partiality in punishing delinquents, and was careful both in admonishing and in censuring when he saw it expedient; and he visited the sick of his parish, and urged family worship. In a word, he remembered nothing at present to have the minister admonished for." Gordon of Colithy, the next elder called, concurred in everything that the last one had said, and added: "that their minister had a good popular gift of preaching, and was every day improving, for he applied himself to his work more than before, and engaged less in worldly business." All the rest of the elders intimated their concurrence, and also said that he was active in the distribution of the poor's money at set times of the year, according to their necessities, and was not behind anyone in giving them of his own when he saw it needful.

The minister was then recalled, "and gravely encouraged to the work, with serious entreaty to consider the weight of his calling, and to be earnest with God for assistance and direction in it." The elders were then removed, and the minister reported favourably of their fidelity to the discipline of the Church. When recalled, they were encouraged to further diligence, and exhorted to hold family worship in their own homes.[39]

In August, 1651, at a similar visitation by the Presbytery of the Church of Rhynie, Mr. William Watson, the schoolmaster, being removed, "was called a tippler and idle speaker sometimes; but he

[39] *Extracts from the Presbytery Book of Strathbogie*, pp. 200-202.

was careful enough of the children, and had taken much pains in educating them. He was admonished for the time, and exhorted to amend; or otherwise to be removed." In 1652, James Reid, having been nominated and elected by the session of Grange to be schoolmaster there, appeared before the Presbytery: "and having produced famous testimony of his literature and Christian conversation under the hands of presbytery of Old Aberdeen, his election was approved; and for his trial, prescribed to him the 3rd Od., lib. 4, of Horace, to expound and explain, grammatically, logically, and rhetorically." [40]

Under the presbyterian polity, the members of the congregation were generally allowed to choose their own minister, and throughout the local records of the sessions, the presbyteries, and the synods, there is much interesting information on this matter. The people were not the mere slaves of the clergy; they had a pretty strong hold over the ministers. In 1642, James Horne, in the parish of Kinnor, was summoned before the presbytery, and accused of being drunk in the time of divine service. When called before the session for this, he had publicly railed against the minister and the elders. He told them, "all that he had said he would say it again, and worse also; and took up a straw and held it out before the session, and said that he would not give that straw for all they could say or do to him, and that there were none there that would cause him to make his repentance for anything that he had said." The presbytery ordered him to be summoned again, and if he failed to appear, then to censure him without any more citation. In July, 1643, the case of George Mitchell was reported to a meeting of the presbytery at Gartly; his offence was, that he prevented his wife from satisfying the discipline of the session, for her visiting of wells and chapels, and for assaulting the minister and the elders—especially for upbraiding George Gordon of Colithie: "saying that he would not be corrected by him, and told him to go home and correct his cottars; and that he had as much money as himself; and that he should meet him whenever he pleased, with other abusive speeches, and went out of the session with threatening and menacing words." The presbytery commanded him to pay a fine of twenty pounds, and to make his public repentance in the church next Sunday. But the same day, Mitchell gave in a complaint against George Gordon of Colithie for

[40] *Extracts from the Presbytery Book of Strathbogie*, pp. 202, 209, 226.

slandering him; he was told, however, that he must lodge a pledge to prove it, according to the order. He then answered, "that he saw no law for him here, and would crave no law; ye may direct what ye please, but he would not obey, and he should get a better advocate against the next day." In 1644, James Middleton of Tullobeg was brought before the presbytery for speeches which he had uttered in the church, and for quarrelling with the minister. The witnesses against him deponed that, "when the minister chided him for his ignorance, he said that he cared not for him nor any minister in Scotland, and bade the minister come out to the churchyard and try himself if he pleased. Also, when the minister said that he should cause him to be put in the stocks, he replied, that neither he nor the best minister within seven miles durst do so much." The presbytery ordered that he should make satisfaction in sackcloth, and pay ten pounds; but when this was intimated to him, he answered in the hearing of the minister, "that he should as soon go and hang himself as obey anything of the kind." Thomas Dey in the parish of Glass, was summoned by the presbytery, in October, 1648, because he had failed to give satisfaction for his absence from church. Instead of giving satisfaction on the appointed day when he was called by the minister, he sat in his own seat opposite the pulpit and railed against the minister, "and with execrable oaths said that he would not acknowledge them nor their sentence." The presbytery ordered him to be again summoned.[41]

These are only a few instances out of many of a similar character, which tend to show that the clergy had not always submissive people to deal with; indeed, they often encountered extreme opposition in their efforts to reform the people to regular habits of life. Even during the heat of the Covenanting period, when the Presbyterians attained their greatest height of power, there was no lack of opposition to many of their proceedings.

In the last volume it was stated that the reformed clergy and the authorities continuously exerted themselves to secure the observance of Sunday, but rooted customs and habits are persistent, and it requires a long time to change or to direct them into other channels. It will be remembered that, prior to the Reformation, it was the universal custom to hold markets on Sunday, military musters of the people, and to engage in many other affairs not at all connected with

[41] *Extracts from the Presbytery Book of Strathbogie*, pp. 34, 37-38, 46, 93.

religion. Accordingly, in spite of all the laws enacted after the Reformation, all the efforts of the local magistrates, and all the discipline of the Church, the complete observance of Sunday was not attained till well through the seventeenth century. In the Acts of Parliament, the proceedings of the Privy Council, the records of the burghs, and in the records of all the Church courts, from the sessions to the General Assemblies, there is a great mass of evidence of the vehemence of the struggle for the observance of Sunday; and without entering into long details, I will give illustrative and expository instances to complete this part of social history.

The magistrates of Aberdeen, in 1608, asserted that one of the manifold sins of the city was the breaking of Sunday by openly fishing salmon, though this had been already four times condemned, "the possessors of the waters preferring, as it appears, their own greed and avarice to the glory and the worship of God, the manifest contempt of His law, and the slander of the gospel." Some promised to desist from this practice of fishing on Sunday if their neighbours would do so, but others refused to abandon it. The following year the session ordered visitors to be appointed at the four chief outlets of the city, to watch those who went out of the town on Sunday. The town's piper was forbidden to play his pipes on Sunday, under the penalty of losing his office, and banishment from the city; while William Stewart, a fiddler, was admonished not to play on Sunday. The tailors, the shoemakers, and the bakers, were still in the habit of working in their booths every Sunday morning for three or four hours, "to the dishonour of God and the slander of the gospel," and these parties were henceforth prohibited from working at their trade on Sunday, under the penalty of ten shillings. In 1647 the Town Council passed an act for enforcing a more strict observance of Sunday. Many of the citizens were in the habit of going to the Old Town and to other places, before and in the time of preaching, quite regardless of the laudable acts of the kirk-session which forbade such wandering upon Sunday; therefore, the council not only ratified these acts in all points, but also anew ordained that all should attend the parish church on Sunday in the forenoon and in the afternoon, and hear the Word of God. All who disobeyed the act were to be fined forty shillings, one-half of which was to be applied to maintain the fabric of the church, and the other half to be given to the poor. The

council recommended the kirk-session to appoint captains for taking the names of all who were found going to the Old Town fields or walking about; and this was ordered to be intimated to the people from the pulpit.[42]

During the Covenanting period, Parliament passed several acts for securing a more complete observance of Sunday. After the custom of holding markets on Sunday was abolished, it was found when they were held on Mondays and Saturdays that they encroached upon the observance of the Sabbath. A series of acts was therefore passed prohibiting markets on Saturdays and Mondays, and everything was done to obtain an entire cessation of all work and business on Sunday. But from the frequent re-enactment of the acts prohibiting work on Sunday, it may be inferred that they were often disregarded. According to the acts of Parliament, the labour most persistently engaged in on Sunday was the working of mills, salt-works, and salmon fishing, which were emphatically specified in all the acts prohibiting labour on Sunday.[43]

It was announced from the pulpits of Aberdeen in 1651, that no inhabitant of the town should walk about the fields or go in companies to the Castle Hill on Sunday. The same year, Jane Barclay was sharply rebuked and admonished for going to the Old Town between the sermons, and several other persons were called before the session for travelling on Sunday.[44]

The subject of Sunday-breaking by salmon fishing in the Dee and the Don came before the synod of Aberdeen in 1657, and the discipline of the Church was ordered to be enforced against all who engaged in such profanation, and the assistance of the magistrates was asked to curb the offenders. In 1663, the synod ordered that the Lord's Day should be strictly kept, and notice taken of those who travelled on Sunday, who were to be censured according to the degree of their offence. As late as 1680, it was stated that the Lord's Day was everywhere profaned by drinking, travelling to markets, engaging of servants, and making bargains and contracts.[45]

[42] *Selections from the Kirk-Session of Aberdeen*, pp. 64-68; *Burgh Records of Aberdeen*, Vol. IV., p. 76.

[43] *Acts Parl. Scot.*, Vol. V., pp. 300, 301, 302, 473; Vol. VI., pp. 127, 128, 215, 370.

[44] *Selections from the Records of the Kirk-Session of Aberdeen*, pp. 115, 136, 137.

[45] *Selections from the Register of the Synod of Aberdeen*, pp. 234, 271, 272, 285, 332. There is some curious information on the attempts to secure the obser-

But, by the combined application of the means above indicated, and chiefly by the constant exertion of the Church, ultimately an observance of the Sabbath was attained in Scotland, unmatched in any other nation.

Besides the devotion of Sunday to religious exercises, there were daily morning and evening prayers in the churches of the burghs, and preaching on two or three days of the week, and this was continued until near the end of the seventeenth century. In the records of the burghs, and of the Church courts, there are many acts, rules, and notices touching the week-day meeting and preaching. In Edinburgh, in 1650, there was a lecture every afternoon, and the ministers of the city performing the duty by turns. The town council of Aberdeen, in 1694, appointed the week-day sermons to be held in the new church; but the next year, the council found that the morning and evening prayers were not frequented as in former times, and therefore they were to be discontinued.[46] As the energy of the people became more directed to trade and industry, the preaching and the religious exercises in the churches on week-days gradually fell into disuse, though in some towns the practice has lingered on to the present time.

But the religious feeling of the age had yet another channel in which it occasionally sought emphatic expression, under the form of the national fast or humiliation. The General Assembly appointed the national fasts, and gave the reasons why they should be held. One was appointed in 1615, to begin on the last Sunday of March, and to be continued to the first Sunday of April; and to enhance the solemnity of the fast, it was enjoined that there should be public preaching in all the burghs of the kingdom every day in the week, preceding the two Sundays. "For many weighty causes moving the Church thereto, and among the rest, by reason of the great number of Jesuits and seminary priests come into this Island, and spread through all the corners thereof, pressing by all possible means to subvert the true religion established in this Isle." In 1644, a fast was proclaimed throughout the kingdom, chiefly on account of backsliding from the Covenant, the prevalence of vice, and to entreat the favour of God for the parliamentary armies; and also to pray that

vance of Sunday in Dr. Davidson's *History of Inverurie and the Earldom of the Garioch*. This work contains much valuable matter of a varied character, and to those with a taste for local lore it is exceedingly interesting.

[46] *Burgh Records of Aberdeen*, Vol. IV., pp. 315, 317.

the King's heart might be filled with the spirit of reformation. A public fast was appointed to be held on the last Sunday of August, 1649, for the following reasons :—"The sins of the land, especially the sin of witchcraft; and the interruption of the Lord's work in England and in Ireland; to entreat the Lord to deliver our King from the hands of malignants, and incline his heart to give satisfaction in those things that concern religion; to pray for steadfastness to this land, and especially to those in charge of public affairs; to entreat the Lord to carry on his work in England and in Ireland against all opposers of the same; and lastly, for a blessing upon the harvest."[47] In 1696, the Assembly appointed a national fast to be observed on the 21st of January, to deprecate the wrath of God," which is very visible against the land, in the judgments of great sickness and mortality in most parts of the kingdom, as also of growing dearth and famine threatened, with the imminent hazard of an invasion from cruel enemies abroad—all the just deservings and effects of our continuing and abounding sins, and of our great security and impenitence under them."[48]

Besides the national fasts appointed by the Assembly, the local authorities occasionally ordered fasts to be observed within the limits of their jurisdiction. Thus the magistrates of Aberdeen commanded fasts to be observed in the city in January, 1658, and in 1669; and on the latter occasion the council, "considering the prevalence of all sorts of sins within this burgh, such as drunkenness, uncleanness, cursing, and the like, to the effect that the just judgments of God may be averted, finds it expedient to indict a fast, to be kept by the inhabitants of this burgh, and recommends to the magistrates to intimate this to the ministers." The Synod of Aberdeen ordered a fast to be observed on the 28th of November, 1651, for the sins of the land.[49]

Drunkenness seems to have been rather prevalent. The light wines of France were the common drink among the gentry, and ale among the people, but stronger spirits were often used. The kirk-sessions frequently took cognisance of cases of drunkenness. In the beginning of the year 1604, the Kirk-Session of Aberdeen had before them Robert Cuthberd, a shoemaker, and Thomas Hay, a tinkler,

[47] *Acts of the General Assembly; Selections from the Records of the Kirk-Session of Aberdeen*, p. 82.

[48] *Acts of the General Assembly.*

[49] *Burgh Records of Aberdeen*, Vol. IV., pp. 170, 177, 253.

and they were seriously admonished to abstain from their excessive drinking and night-walking; and that they should never entice Alexander Smith, shoemaker, to drink, or draw him out for that purpose in the night, under the penalty of being punished as night-walkers and drunkards. The Session in 1606 cited Alexander Mortimer and John Leslie for having abused themselves by inordinate drinking of aquavitæ (whisky), and bringing slander on this congregation by their drunkenness. In 1611, the Privy Council renewed the former acts against night-walkers in Edinburgh, and idle and debauched persons who went about the streets at night, indulging their evil passions and frequently committing serious crimes. Direct reference was made to several persons of this character, some of them strangers, who wallowed in all kinds of excesses, riot and drunkenness, committing enormities upon peaceable citizens, and cruelly attacking the officers appointed to watch the city, and unmercifully slaying them. The Council ordered that in future no one should remain on the streets after ten at night. In 1619, Robert Hunter and James Hay were admonished by the Kirk-Session of Aberdeen, to behave themselves better, and to desist from their drinking. The town council of Aberdeen, in 1625, passed an act, "that no person should at any public or private meeting presume to compel his neighbour to drink more wine or beer than what he pleased, under the penalty of forty pounds." [50]

It appears from the financial accounts of the burghs that drink was pretty freely used on all public occasions; and in the accounts for work done to the corporations, the sums given as drink-money are frequently stated. For half-a-day's work at the bridge of Tweed, a workman was paid six shillings and sixpence Scots, and one shilling and eightpence for drink. In the burgh of Peebles, Stephen Grieve and his son were employed a day and a half erecting the gallows on which the witches were to be hung, and they received forty shillings, and eightpence for drink. [51]

After the Restoration, among a portion of the upper classes, drunkenness greatly increased. Excessive drinking was indulged in without shame, and some men even gloried in it. Sometimes a company of these gentlemen fell a carousing, and encouraged each other

[50] *Selections from the Records of the Kirk-Session of Aberdeen*, pp. 29, 50, 78; *Register of the Privy Council; Burgh Records of Aberdeen.*

[51] *Burgh Records of Peebles*, pp. 50, 423, 224.

by giving healths, and when they had exhausted their resources in drinking healths, "not knowing whose to give next, one of them gives the devil's health, and the rest pledges him." [52]

Then, as now, habits of drinking and swearing were often associated, and in many of the Acts of Parliament both offences were classed together, and received the same kind of punishment. Besides the Acts of Council, Parliament passed a series of acts from 1617 to 1696, for the punishment of drunkarks; and in 1644, an act was passed which imposed penalties upon the keepers of inns and alehouses, if they sold drink after ten at night or on Sunday. The act of 1617 asserted that the detestable vice of drunkenness was daily increasing. It enacted that public-houses should be closed at ten at night, and proposed a scale of punishments for drunkards, consisting of fines, the stocks, and imprisonment. For the execution of the act, special power was given to the sheriffs, stewards, magistrates of burghs, and to the kirk-session of every parish; and they were directed to meet and try drunkards, and do everything requisite for the execution of the law. Innkeepers who induced parties to become drunk were to be punished. The part of the act of 1617 touching the punishment of offenders is to this effect:—"All persons lawfully convicted of drunkenness, or of haunting taverns or alehouses after ten at night, or at any time of the day, except when travelling or for ordinary refreshments, shall for the first fault pay three pounds, and in case of inability to pay, to be put in the stocks or into the jail for six hours; for the second offence to pay five pounds, or be kept in the stocks or the jail for twelve hours; for the third fault ten pounds, or twenty-four hours in the stocks or the jail; and afterwards if they transgress, to be imprisoned till they find caution for their good behaviour in time coming." In an act passed in 1645, "against swearing, drinking, and mocking of piety," the scale of punishments was stated thus: "Whosoever shall swear or blaspheme, and whosoever shall drink excessively, especially under the name of healths . . . who shall be found guilty of all or any one or other of the foresaid vices, by any kirk judicatories to which they are subject, having been once already censured by these courts for the same vice, shall after the second conviction be censurable in the following manner: Each nobleman shall pay twenty pounds for the second conviction, and for each one thereafter; each baron twenty

[52] Robert Law's *Memorials*, p. 43.

merks; each gentleman, proprietor, and burgess, ten merks; each yeoman forty shillings, each servant twenty shillings, and each minister the fifth part of his year's stipend. And that wives who offend against this act shall be punished according to the rank of their husbands, and the husbands shall be liable for the payment of their wives' fines." The money raised by these fines was to be applied to pious uses in the parishes where the offenders resided. The act against swearing and excessive drinking of 1661 repeats the scale of fines of the act of 1645, with this addition, "and if any of the parties offending be unable to pay the foresaid penalties, then to be exemplarily punished in their bodies according to the degree of their faults." [53]

There was a constant struggle against immorality and drunkenness; and in 1696, parliament passed an act ratifying and renewing "all former laws and acts of parliament made against drunkenness, Sabbath-breaking, swearing, fornication, uncleanness, mocking and reproaching religion and the exercise thereof, and generally all laws made against profaneness, and ordained the same to be put in full and vigorous execution. And further, considering how much profanity and immorality do abound over all the nation, to the dishonour of God, the reproach of religion, and the discredit and weakening of the Government, notwithstanding the many good laws that have been made against profaneness," therefore it was anew enacted that all those in authority in every parish in the kingdon should be obliged and required to put these acts against profanity and immorality into full and due execution. This act declared "that no pretence of different persuasion in matters of religion shall exempt the offender from being censured and punished for such immoralities as by the laws of this kingdom are declared to be punishable by fining." The Estates also recommended to the Lords of the Privy Council to take such further steps as seemed requisite "for restraining and punishing of all sorts of profanity and wickedness." [54]

Those at the head of the Government may not always have shown a good example, but the magistrates of the burghs and the kirk-sessions struggled manfully against drunkenness and immorality. In December, 1648, the town council of Aberdeen had before them a request from the ministers, "desiring them to take notice of all the country

[53] *Acts Parl. Scot.*, Vol. IV.; Vol. VI., p. 128; Vol. VII., pp. 195, 262.
[54] *Ibid.*, Vol. X. pp. 65-66.

people found in the town, either drunk, swearing, or otherwise debauching themselves, and notify their names to the ministers, who were then to send such names to their own ministers, so that these offenders may be punished as their own session thinks fit." The council enacted "that all persons, of whatever rank, found drunk, swearing, or debauching themselves, should be apprehenced, imprisoned, and punished, at the discretion of the magistrates." In 1655, the council enacted that no mariners, masons, stablers, slaters, millers, or any unfree person, should presume to brew, vent, or sell ale, strong waters, or aquavitæ, without a special licence from the council. The synod of Aberdeen, in 1667, commanded all the ministers in the diocese to be careful to execute the censures of the Church on drunkards, swearers, and Sabbath-breakers. But in 1680, the synod had to announce that, notwithstanding the glorious gospel vouchsafed to the people, with plenty of temporal benefits, "iniquity does exceedingly abound in this diocese, and part of the Church and kingdom, and especially the sins of drunkenness, whoredom, and horrid cursing and swearing." [55] The habit of swearing and using imprecations had descended from pre-Reformation times, and was extremely difficult to eradicate.

Under the authority of the acts of parliament, the town councils throughout the kingdom framed rules from time to time for restraining this heinous offence. In 1642, the town council of Aberdeen stated that the sin of swearing was increasing; and for curbing and punishing all offenders of this character, they resolved "to ratify and approve of all the acts passed by their predecessors in bygone times, and particularly an act of the 7th of December, 1605, and anew ordained that every master and mistress of a family in the burgh, as often as any of them happens to be found banning and swearing any sort of oath, shall pay eighteenpence to the poor, and each servant fourpence, which shall be presently exacted of them by the master of the family, and a box to be kept in every family for this purpose. For restraining of children from swearing, there should be palmers in every family wherewith to punish the children on their hands as often as they were found swearing; and those of the poorer classes thus offending, as beggars, scolds, and vagabonds, having no means to pay the penalties, to be put in the stocks, and to

[55] *Burgh Records of Aberdeen*, Vol. IV., pp. 93, 156; *Selections from the Register of the Synod of Aberdeen*, pp. 284, 332.

stand there for three hours or longer, according to the degree of their fault." As swearing was most common on the streets, at the burn-head, the flesh, the fish, the malt, and the meal markets, and at the cross, where coals, fruit, and such things were sold, the magistrates appointed captors and searchers to note all persons found swearing at any of the above places. The names of the captors and their several districts were minutely stated, and they were empowered "to execute the penalties above specified; and if anyone resisted and refused to give obedience, then the captors were to note down their names and hand them to the magistrates, that they may take steps for punishing and censuring the offenders according to the tenor of this act." These captors were also to visit families once a month, to see if the act was obeyed and if any reformation was effected, and to report those who had failed to obey to the kirk-session, to be treated as they should think fit. Moreover, the captors had to report if parents were careful in training their children, or if they neglected them; and if there were idle and wicked rogues living without all order and persisting in their evil ways, these were to be brought to the correction-house, and there under the eyes of the captors themselves, properly punished.[56] In 1678, the council commanded that all persons found swearing on the streets, or in any other public place, should be sharply punished.

The relation of the different sexes was still somewhat lax; and complaints were occasionally made of men and women living together as married persons, though not lawfully married. Sometimes parties who could not obtain marriage by the law and constitution of Scotland, went to neighbouring countries and got themselves married; but in 1641, Parliament prohibited this under severe penalties. An act was passed in 1661 against clandestine and unlawful marriages, which also imposed severe fines and penalties on the parties who entered into such unions, and enacted "that the celebrators of such marriages shall be banished from the kingdom, never to return thereto, under the pain of death." In 1695, an act was passed against clandestine and irregular marriages, and another in 1698. The latter act enjoined for the better suppression of these marriages, "that over and above the penalties contained in the acts of 1661 and 1695 against clandestine and irregular marriages, the celebrator of them shall be liable to be summarily seized and imprisoned by any

[56] *Burgh Records of Aberdeen*, Vol. III., pp. 279-281.

ordinary magistrate or justice of the peace, and further punished by the Lords of his Majesty's Privy Council, not only by perpetual banishment, but also by such pecuniary or corporal pains as the council shall think fit to inflict." [57]

The church courts had frequently to deal with irregular and scandalous marriages. All incestuous connections were severely treated both by the civil law and by the Church. In 1668, the synod of Aberdeen passed an act for restraining scandals at marriages. "It being represented to the bishop and the synod that there had been frequently disorderly marriages contrary to the authorised custom of the Church, to the great offence of God and scandal of Christian people; therefore, for curbing and restraining these enormities, the bishop and synod have ordained, that ministers take diligent notice in their respective parishes of such scandalous persons, and that whoever shall be convicted of having violently carried away unmarried women, shall be censured to remove the scandal in the same manner as it is enjoined for adulterers, even should he afterwards extort the woman's consent to marry him; and if it be found that the woman carried away has been privy to the same, and in collusion with the man, without the knowledge of her parents, then the woman also should be censured. And further, it is enacted that all those found guilty of accession to such scandalous violence in covering and assisting any man in carrying away a woman, shall also be enjoined to remove the scandal of his conduct in sackcloth, . . . and the persons so censured, in case of disobedience, to be excommunicated." It was also ordered that persons cohabiting together and pretending that they were married by popish priests, should be proceeded against until they made public acknowledgement of their sin of disorderly marriage, in the face of the congregation. "Also, all persons cohabiting together as married, who allege that they have privately plighted their faith to one another; but if it be found that there was no intimation of their purpose to the congregation, nor the marriage solemnised nor blessed by any minister, then all that have so cohabited shall be censured as fornicators, yea, and until they separate from each other, and having removed the scandal, be lawfully married according to the order of the Church. In like manner, when two persons come before a minister in private or in public, declaring that they take each

[57] *Acts Parl. Scot.*, Vol. V., p. 388; Vol. VII., p. 231; Vol. X., p. 149.

other as husband and wife, and do forthwith cohabit together, and will not wait the public intimation of their purpose to the congregation, or its solemnisation by the minister, according to the order of the Church, it is ordained that those guilty of this, for the time that is bygone, shall make their public appearance in their own parish church, and there, in the presence of the minister and of the congregation, confess and crave God's forgiveness of their sin, and thereupon receive the orderly blessing to their marriage from the minister."[58]

Some of the old customs associated with marriages and burials still survived. The custom of casting knots at marriages was occasionally practised, but then punishable as a form of enchantment. In 1666, James Smith was cited by the minister of Cluny, before the Synod of Aberdeen, "for using enchantment by casting of the knots at marriages, for unlawful ends, and the Synod ordained that he should give evidence of his repentance in sackcloth."[59] It had been long customary among the people when a young couple were married, to receive a mixed company and hold a sort of ball, while each person contributed something towards the expense, a part of which was usually left over for the benefit of the newly-wedded pair. This custom soon drew the attention of the reformed clergy, and the kirk-sessions endeavoured to suppress these promiscuous merry-makings, called "penny bridals;" and in 1581, Parliament passed an act limiting the expense of marriages and banquets, and similar acts were passed in 1621 and 1681. The General Assembly passed an act against penny bridals, which enjoined the presbyteries to use severe means to restrict them. In the Burgh Records of Aberdeen, references to the act on superfluous banqueting at baptisms and other meetings frequently occur, and in 1633, the Town Council made the following additions to this act: "That none be found dancing through the town at marriage feasts; nor any person invited to night-wakes hereafter, but a few of the nearest neighbours of the deceased, . . . and ordains this to be proclaimed from the pulpits of both the churches of the burgh." They repeated this act, "in all points," in 1636, again in 1661, and once more in 1671, with this addition, "that no inhabitant of the burgh, of whatever rank, shall

[58] *Selections from the Register of the Synod of Aberdeen*, pp. 290-292. Some of the particulars of irregular marriage indicated in the above quotation are exactly similar to those which the reformed clergy had to deal with after the Reformation in the sixteenth century, which I noticed in the second volume, pp. 261-264.

[59] *Selections from the Register of the Synod of Aberdeen*, p. 280.

invite more persons to the baptism of their children than four men and four women," under the penalty of a fine for each person above that number. The Act of Parliament of 1681, for restraining the expense of marriages, baptisms, and burials, enacted, "that at marriages, besides the married persons, their parents, children, brothers, and sisters, and the family wherein they live, there shall not be present at any marriage above four friends on either side, with their ordinary domestic servants. And that neither bridegroom nor bride, nor their parents or relations, shall make above two changes of raiment at that time or upon that occasion," under the penalty of forfeiting the fourth part of their annual income or a fourth part of their goods. The number of the company at baptisms was limited the same as at marriages. The number of persons permitted to attend the funerals of the different ranks are also stated in the act.[60]

It seems that at penny marriages fights and other excesses sometimes occurred, and that intoxicating spirits were freely indulged in. In some parts of the country the lairds bound their tenants to hold all their marriages at an alehouse.[61]

In 1643 the Town Council of Aberdeen resolved to correct the disorders connected with the dead, as ringing of bells and other superstitious rites at funerals. They henceforth "discharged the tolling of bells at funerals, and laying of the bier and mortcloth on the graves of deceased persons; and prohibited all the inhabitants from inviting the master doctor of the grammar school to sing or read at likewakes, under a penalty of forty pounds." [62]

The Government deemed it a duty to regulate the dress of the people, and to prescribe the exact habit which each rank should wear. In 1621 Parliament enacted that no one should wear gold or silver lacing on their clothes, nor any velvet, satin, or silks, save the nobles. The King's councillors, lords of Parliament, lords of session, and barons with a yearly rent of six thousand merks of silver, were

[60] *Burgh Records of Aberdeen*, Vol. III., pp. 54, 105; Vol. IV., pp, 213, 274; also, *Burgh Records of Glasgow;* and *Acts Parl. Scot.*, Vol. VIII., p. 350.

[61] Dr. Davidson says, "Alehouses were largely established by the lairds in order to the sell and consumption of the bear crops in malt, and their tenants were required to make all their weddings penny bridals, and held at an alehouse; where the innkeeper supplied the eatables on the occasion gratis, finding his profit in the ale consumed during the festivities, which were prolonged for days."—*Inverurie, and the Larldom of the Garioch*, pp. 319, 340.

[62] *Burgh Records of Aberdeen*, Vol. IV., p. 6.

allowed to appear in silk and satin apparel; while the provosts and magistrates of the principal burghs, and the rectors of the universities, were to be permitted to wear fine dresses under the condition "that they should have no embroidering or lace or passements upon them, save only a plain welting lace of silk upon the seams and borders of their garments, with belts and hatbands embroidered with silk; and that their wives, their eldest sons, their unmarried daughters, and the children of all noblemen, should wear their dress in the aforesaid manner only, under a penalty of a thousand pounds." All other persons were prohibited from having pearling or ribboning upon their ruffles, shirts, napkins, and socks; if the people still resolved to have pearling upon their clothes, it should be produced in Scotland. "Further, that no one should wear upon their heads buskings or feathers; that no other persons except those privileged should wear any pearls or precious stones, under the penalty of a thousand merks. It was also stated that no persons should wear upon their bodies tiffanies, under the penalty of a hundred pounds; that no servants should wear any clothing save that made of cloth, fustians, canvas, or stuffs produced in the kingdom; they should have no silk upon their clothes except the buttons and button-holes, and silk garters without pearling or roses, under the penalty of a hundred merks. But it was declared to be lawful for them to wear their masters' old clothes. It was also declared that heralds, trumpeters, and minstrels, were exempted from the act. It was further enacted that no one save the privileged classes should wear damask napery brought from abroad, under a penalty of a hundred pounds. It was likewise statuted that no more mourning weeds should be made at the death of an Earl or a Countess than twenty-four at the utmost, and for a lord of Parliament or his wife not more than sixteen, and for all other privileged persons, twelve; and that none but these should have any honours carried, and that no mourning weeds should be given to the heralds, trumpeters, or sachs, except by the Earls, the lords of parliament and their wives, and that the number of sachs should be exactly according to the mourning weeds, under the penalty of a thousand pounds. It was enacted that the fashion of clothes then in use should not be changed by man nor woman, under the penalty of forfeiting the clothes and a hundred pounds to be paid by the wearers thereof, and as much by the makers of the clothes. And also that no castor hats should be used or worn but by the privileged classes, under the penalty of a

hundred pounds. That the husbandmen and the labourers of the land should wear no clothing but grey, white, blue, and serge black cloth, made in Scotland, and that their wives and their children should wear the same, under the penalty of forty pounds. Finally, it was enjoined that after the publication of this act, no clothes should be made but according to the manner and the style before expressed, and that none of the former discharged clothing be worn by anyone after Martinmas, 1623, under the respective penalties above stated."[63]

This act, with some alterations, was re-enacted in 1672, and again in the following year, with the removal of some of the former restrictions touching the wearing of white lace or pearling made of thread, and some other explanations. But as late as 1696, a proposal was mooted in Parliament for a constant fashion of clothes for men, and another for women. Two years after, Parliament had under consideration an act for restraining the expense of apparel; and a debate ensued on the point whether the prohibition of gold and silver on clothes should be extended to house furniture, and it was carried that it should. It was then put to a division, whether gold and silver lace manufactured in Scotland should be allowed on clothes, and the majority voted against it; and thereupon, an act was passed prohibiting the wearing of gold and silver lace, and also the importation of the same, under the penalties of burning of the articles on which it was found, and five hundred merks of a fine imposed upon the person wearing it.[64]

The dress of the common people was made of a plain cloth, called hodden gray, spun at home and manufactured from the undyed wool. In summer the women usually went barefooted, and the children generally ran about without shoes or stockings in summer.

In the preceding periods, the defective sanitary condition of the towns was noticed, and with it the consequent and frequent recurrence of pestilence. One of the first requisites of a town where a large population is located within a limited space, is a constant and sufficient supply of clean water; but in the seventeenth century, even the capital of Scotland had not a constant supply of pure water. It is recorded in 1654, that owing to the drought of the summer the wells ran dry, and the inhabitants of Edinburgh could not get enough

[63] *Acts Parl. Scot.*, Vol. IV.

[64] *Ibid.*, Vol. VIII., pp. 71-72, 212; Vol. X., App., p. 6, pp. 142, 144, 150.

of water for cooking their food, and some of them had to go a mile and more before they could obtain clean water. In Glasgow, notices of the public wells occur in the records of the city from the latter half of the sixteenth century onward to the present time. The magistrates, in 1610, authorised a well to be built upon the side of the Highgate, "so that it be built five quarter height above the ground, with asler work for the safety of the bairns and other persons . . . and the well to be common to all men of this town." In 1630, they ordered that the new well in the Trongate should be slated in the best form, and two pumps attached to it, and that it should be cleaned as soon as possible; and in 1638, some improvements were made on the common wells.[65]

In 1632, the town council of Aberdeen had under their consideration the inconvenience which the people suffered for want of clean and pure water. As the most of the water which they were then using, "coming only from the loch, is filthy, defiled, and corrupted, not only by the gutters daily running in the burn, but also by listers, and the washing of clothes, and pollution of the water in several parts, with other sorts of uncleanness," they therefore resolved that fountains should be erected as soon as possible to supply the town with pure water. Some of the crafts objected to the payment of their share of the requisite tax; but upon the petition of the magistrates, the Privy Council empowered the town council to impose a tax to defray the expense of the new fountains, and to enforce its payment. Yet these efforts to supply the citizens with pure water were only partly successful. In 1683, the deficiency of clean water was again before the magistrates, and it was stated that the bringing in of water and of erecting fountains had often been attempted, but had not as yet been effectively accomplished. The dean of guild was requested to inquire among the inhabitants what they would be willing to contribute to forward this work, and to report; but more than twenty years elapsed ere the city was supplied with pure water. The council granted authority to purchase lead for the pipes and the cisterns required for bringing in the water from Carden well; and James

[65] Chambers' *Domestic Annals of Scotland*, Vol. II., p. 226; *Burgh Records of Glasgow*, pp. 312, 390. In 1575, the provost and council of Glasgow ordered that "the new common wells in the Gallowgate shall be opened daily in the morning and locked at even, and appointed a man to attend thereto, and to keep the well and the key thereof, and to get forty shillings of fee for his trouble during the year."—*Burgh Records of Glasgow* p. 39.

Mackie and John Burnet were engaged to build the first fount at the spring of Carden's well, for the sum of ten pounds sterling. The treasurer was allowed to borrow money for bringing in this water; and it seems that the work was completed in 1708, as the council then resolved, on account of the many obstacles which Joseph Foster, plumber, had encountered in bringing in the water, to give him a gratuity of two hundred pounds Scots, with thirty-six shillings of drink money to his servants.[66]

As regards cleanness, the state of the towns was most wretched. In March, 1619, the Privy Council communicated with the magistrates of Edinburgh touching the cleaning of the streets in the following terms:—"The city is now become so filthy and unclean, the streets, the vennels, the wynds, and the closes thereof, so overlaid and covered with middings, and with the filth of man and of beast, as that the noble councillors, servants, and others of His Majesty's subjects, who are lodged in the burgh, cannot have clean or clear passage and entry to their lodgings; and because of this, their lodgings have become so loathsome to them, as they are resolved rather to make choice of lodgings in the Canongate and in Leith, or some other parts about the town, than to abide the sight of this shameful uncleanness, which is so universal and in such abundance throughout all parts of this burgh, as in the heat of summer it corrupts the air and gives great occasion to sickness. And further, this shameful and beastly filthiness is most detestable and odious in the sight of strangers, who, beholding the same, are constrained, with reason, to give out many disgraceful speeches against this burgh, calling it a puddle of filth and uncleanness, the like of which is not to be seen in any part of the world." The plan proposed by the council was, that each householder should keep the street clean opposite his own door, as was done in other well-governed cities.[67] There was no idea of a cleaning department of police, but there was a sort of arrangement adopted for cleaning the streets of Edinburgh at stated times, though it long remained in a very defective condition. During the reign of Cromwell, more effective measures were taken for cleaning the streets, and for preventing foul water from being thrown out at the windows.

In 1686, Parliament passed an act for cleaning the streets of Edinburgh, in which it was stated that there had been many complaints

[66] *Burgh Records of Aberdeen*, Vol. III., pp. 50, 51, 55, 58, 303, 333-334; Vol. IV.

[67] *Register of the Privy Council.*

of the nastiness of the streets, wynds, closes, and other places of the city. And the magistrates were commanded to adopt effectual means for freeing the capital of such nastiness; and at the same time to purge it of "those numerous beggars who resort in and about the burgh, and that under the penalty of a thousand pounds Scots yearly, to be paid by the magistrates to the Lords of Session, to be applied by them for the end and use aforesaid." The magistrates were to be authorised to impose a tax for cleaning the streets of the city.[68]

The arrangements for cleaning the other burghs of the kingdom were equally defective. In 1674, the town council of Aberdeen stated, that in spite of the many acts of their predecessors emitted for cleaning the streets of the burgh, and removing the middings and filth, yet there had been little observance of them. Therefore, they resolved that a fit person should be employed, and one or two horses and carts furnished to him at the town's charge, "for keeping the streets and the common passages of the burgh clean, and for taking away the middings and dubs off the streets." This person was empowered to go through all the streets and lanes of the town every morning, and at all other times which he thought fit, to remove all the middings and dubs which he found upon them. In this act there are some curious and amusing statements. "The man appointed to clean the streets was to apply the dung for the use of the burgh and the freedom lands of the same, and no otherwise, at such price as shall be appointed by the council; and for any red, middings, or filth, that shall be taken out of the closes and laid down upon the front streets, if the owners do not within twenty-four hours after the same is laid down, take away or remove it to a convenient place of the street, that then the aforesaid person is hereby empowered to remove it for his own use; and that if the person appointed for this purpose, coming to any midding to take it away, and the owner at the same time coming and instantly taking it to a convenient place of the street, he shall be permitted to do so. Also, it is and shall be lawful for any labourers or others to take and remove any middings and filth which they shall first attack and apprehend, and apply the same to their own use only, and no otherwise, if the owner thereof shall not instantly remove the same as aforesaid." In 1679, the town council ordered that no one should throw out at their windows filth

[68] Chambers' *Domestic Annals of Scotland*, Vol II., p. 212; *Acts Parl. Scot.*, Vol. VIII., p. 595.

upon the streets, or permit it to lie before their doors on the streets, under a penalty of forty shillings.[69]

It was already mentioned that, in the sixteenth century, swine were allowed to run about the streets of the burghs, and the magistrates of Aberdeen passed many acts for expelling them from the streets of the city. But in spite of this, swine were still kept within the town in greater numbers than formerly; and in 1696, they had become a great nuisance and an unseemly sight in the burgh. Therefore, the council enacted that parties who had swine in the town should remove them all out of the burgh, and a quarter of a mile beyond it, before two o'clock the next day; and that in future all the swine found on the streets or within doors should be confiscated, and one half of the proceeds to be given to the poor, and the other half to those who seized the swine; and anyone who seized swine in the city was to be freed from all trouble. The act was ordered to be proclaimed at the cross and through all the streets of the town, that none might pretend ignorance. It was stated in the council "that there was a great number of swine, which formerly were not permitted to stay within this burgh, and seeing by experience they are found very prejudicial to the yards in and about the town, in digging up the same, as also by their digging in the middings and in all sorts of filth, does rise an intolerable smell, besides the danger to children by them, and the unseemliness of having such creatures within the walls of a city."[70]

The local trade in the various burghs of the kingdom was still hampered by monopoly. It was as yet common to fix the price of articles of daily use, such as bread, ale, shoes, and tallow. In 1640, the Committee of Estates passed an act fixing the price of shoes, boots, hides, and the tanning of leather, which was approved by Parliament, and proclaimed at the cross of Edinburgh. This act commanded the shoemakers to sell their boots and shoes at the following prices:—Three-soled shoes of the best leather were to be sold at two shillings and twopence per inch, and the third quality of three-soled shoes at twentypence the inch; the best single-soled shoes at sixteenpence the inch, and the second sort at fourteenpence the inch. Children's double-soled shoes of the best quality, sixteenpence the inch; and the second sort of lighter leather at fourteenpence the inch, and

[69] *Burgh Records of Aberdeen*, Vol. IV., pp. 291, 299.
[70] *Ibid.*, Vol. IV., p. 319.

for single-soled shoes, of eight inches and under, twelvepence the inch. Women's shoes of the best quality, timber-heeled, to be sold at two shillings and twopence per inch ; the second sort, with timber heels, at one shilling and eightpence. Touching the price of boots it was enacted, "that there be allowed of the best leather for each inch of the length of the boots eight shillings and eightpence per inch, the tops being long and of the best quality." For various reasons the Committee of Estates thought fit to fix the price of boots and shoes in Edinburgh at fourpence per inch higher than the above on the best kind of shoes, and so on in proportion for the cheaper classes of the same articles.

The penalties to be imposed on all who refused to sell at the stated prices, and the fines for using insufficient materials, were to be divided, one half to the informer, and the other half to the judge, for the public use. If any of the shoemakers refused to work and left off, they were to be fined forty pounds, besides other punishment which might be inflicted upon their persons.

The Town Council of Aberdeen, in 1656, fixed the price of shoes at the following rates :—Double soled shoes made of foreign leather, three shillings per inch ; double-soled shoes made of Scotch leather, two shillings and sixpence the inch ; single soled shoes without walts, sixteenpence the inch ; and children's shoes, double-soled, eightpence the inch. Those who broke the above prices rendered themselves liable to a penalty of five pounds.[71]

In the year 1659, the tailors of Inverness petitioned the magistrates, that they were much injured in their trade by its being encroached upon and taken away by outlandish men, dwelling around the burgh, and evading the taxes, and yet they came and stole away the trade of the place, "to our great and apparent ruin." The authorities listened to their complaint, and empowered them to restrain all outlandish tailors, and to seize their work, and then bring the whole affair before the magistrates. But two years later they were again petitioning the magistrates and complaining of the outlandish hands, and they argued that all unfreemen should be prevented from usurping the rights of freemen, and from keeping apprentices or employing servants.

Troubles of a bitter character sometimes arose from corporation privileges. All attempts of unfreemen to work within the royal

[71] *Burgh Records of Aberdeen*, Vol. IV., p. 163.

burghs were met with measures of obstruction and punishment. In October, 1692, William Somerville, a wright, and a burgess of Edinburgh, was engaged in repairing the Earl of Roxburgh's house in the Canongate, but Thomas Kinloch, the deacon of the wrights of the latter burgh, assisted by a party of his associates, took away all the workmen's tools. This was done to prevent the Edinburgh wrights from working in a district where they were not free. Somerville shortly after demanded the restoration of his workmen's tools, but they were distinctly refused. The Earl of Roxburgh was a minor, but his curators were irritated at the proceedings, and concurred with Somerville in summoning the deacon of the Canongate wrights before the Privy Council, for riot and oppression in the Earl's house. It seems, if the Earl's house had been subject to the jurisdiction of the Canongate, the Privy Council would have been precluded from giving any redress, but when the Earl's ancestor relinquished the superiority of the Canongate, he still continued to hold his mansion of the Crown, so it was argued that the Canongate corporation had no jurisdiction in this case, and consequently no right to interfere with the action of his Lordship in the choice of craftsmen to perform work in his own house. The Council remitted this point to the Court of Session, which at once ordered the restoration of the workmen's tools.[72]

The wage of skilled workmen in Scotland was comparatively low, but then food was usually cheap, and it is the relation which wages bears to the price of the necessaries of life—the purchasing power of the sum at the time—that is the really important point. About the middle of the seventeenth century, from fourpence to sixpence a day, or about three shillings sterling a week, would represent the wages of a tradesman ; but direct information on the subject is so scanty that a precise statement of their wages cannot be made. In 1655, two men were employed for twenty-four days slating and pointing a house ; they got their food during that time, and twenty-four shillings, or twopence in sterling money per day.

The wages of servants generally, and in particular of domestic servants and agricultural labourers, were very low. As a class these were then, and for long after, in a very humble position, as compared with that which they now hold. The yearly wages of farm servants

[72] *Register of the Privy Council.* Chambers, in his *Domestic Annals,* gives an instance of oppression by the Merchant Company of Edinburgh, who had the sole right of dealing in cloth of all kinds within the city. Vol. III., p. 70.

in the seventeenth century, and till the rise of modern agriculture, were only from twenty-five to thirty-five shillings sterling; women's wages were about a third less than the men's.

Any law that existed on the relation between master and servant was mostly on the side of the former, but there was little distinct law on the subject. In 1610, Glasgow was much annoyed with servants "who fee themselves with two masters," and the Town Council therefore commanded, "that all such servants as hereafter fee themselves to two masters, must pay to the one into whose service they fail to enter, both the fee and the bounty which was promised to them, and also to be imprisoned for twenty days upon bread and water." In 1610, the magistrates of Peebles had many complaints lodged about the misdeeds of servants—"for drinking on the night, running about, and refusing to do any kind of work." They therefore enacted that no servant should drink after eight at night, under the penalty of thirteen shillings for each fault, and that no one should sell them drink on Sunday; that servants should not refuse to do any kind of work, either in or out of the house, under the penalty of six shillings and eightpence for each fault, which sum the master may deduct from their wages; that no one should engage another man's servant, except the servant prove by two witnesses that he warned his master forty days before the term, under the penalty of five pounds, one half for the use of the poor, and the other to the master.[73] By a clause of an Act of Parliament passed in 1617, concerning the establishment of justices of peace, the justices of peace were empowered to fix the rate of wages. At their quarter sessions in August and in February, they were enjoined to fix the wages of labourers, workmen, and servants; and those who refused to work or serve for the wages thus settled, were to be imprisoned, and further punished at the discretion of the justices. To induce the servants to obey their decrees more readily, they were empowered to compel the masters to pay the servants the stated amount of wages when duly earned. This Act was repeated in 1661.[74] The circumstance affording a measure of justification for it was the comparatively large proportion of the population of the kingdom always living by begging and vagabondism: this class presented a real difficulty,

[73] *Burgh Records of Glasgow; Burgh Records of Edinburgh; Burgh Records of Aberdeen.* Chambers' *Domestic Annals of Scotland*, Vol. II., p. 235. *Burgh Records of Peebles*, pp. 358-360.

and the Government grasped at any expedient which seemed to encourage the hope of reducing the numbers of the idle and vagrant multitude.

Partly owing to these circumstances, and partly owing to other motives, the workmen in coal-mines and at salt-works in Scotland were kept in a state of semi-slavery for more than a century and a half. In 1606, Parliament passed an Act binding this class of workmen to perpetual service at the works in which they were engaged. This Act enjoined that no one should hire salters, colliers, or coal-bearers, without their masters' consent, or at least an attestation of a reasonable cause for their removing, made in the presence of a magistrate of the district whence they removed. Therefore, if anyone engaged persons of this description, without conforming with the law, their former master could reclaim them, and enforce their re-delivery, under a penalty of one hundred pounds. Further, if the colliers, coal-bearers, and salters, should accept forehand wages, they were to be held and reputed as thieves, and punished in their persons. This law was re-enacted in 1661, with an addition, including the watermen engaged in drawing off the water from the coal pits, —"as they are as necessary to the owners and masters of the pits as the colliers and the bearers." And because it was found by experience that giving high wages to colliers had been used to seduce them from their masters, therefore, it was enacted that no coalmaster in the kingdom should give a higher wage than twenty merks yearly to each man, that is, one pound two shillings and sixpence sterling. It was also found that colliers and salters, and other workers about the pits, were accustomed to stay from their work on certain holidays, accordingly it was enacted that henceforth they should work all the six days of the week, except Christmas, under the penalty of twenty shillings Scots, to be paid to their masters for each day that they failed to work, and any other corporal punishment which their masters thought fit to inflict upon them.[75]

Thus it was that from the early part of the seventeenth century till near the end of the eighteenth, the colliers and the coal-bearers, and those employed at saltworks in Scotland, remained in a state of semi-slavery. When collieries and saltworks were sold, the right of the service of the workers was transferred to the new proprietor as a portion of fixed stock. By an act of the British Parliament, in 1775,

[74] *Acts Parl. Scot.*, Vol. IV. ; Vol. VII., p. 308. [75] *Ibid.*, Vol. VII., p. 304.

they were emancipated, but a considerable time elapsed ere they were able to take much advantage of their freedom. This act was clogged with special conditions, which many of the colliers failed to comply with, and they continued in bondage, till the act of 1799 was passed, when they became really free.

Though the mining operations of Scotland were not as yet on a great scale, they added to the slowly advancing progress of the nation. In the first part of the century the coal works of Culross were worked some distance under the sea. But it appears from a petition to the Privy Council in 1621, that the proprietors of collieries were not making fortunes, as it was then stated that some of the owners of coal-haughs were ten thousand pounds, and even twenty thousand, out of pocket. The Master of Elphinstone's coal mine of Little Fawside had been on fire for several years, and another mine of his had entailed an outlay of eight thousand pounds. The pits of Sir James Richardson of Smeaton for some years had been so unproductive as scarcely to supply his own house; the coal of Mickle Fawside had undone the late laird's estate, and caused him to sell a part of his old heritage. The coal of Pencaitland was wasted and decayed, and past hope of recovery, except at a cost far greater than it was worth. The Council appointed a commission to make inquiry, and to report what prices should be fixed for coal. Upon this report it was ordered that the price of coal "at the hill" should be seven shillings and eightpence per load—that is, about about sevenpence three-farthings sterling. It should, however, be mentioned that in these days a load meant a horse's burden.[76]

The Privy Council passed an act in 1621, in favour of Mr. Johnston, the laird of Elphinstone, because he had expended twenty thousand merks on his coal works, "to his great hurt and apparent ruin." It was stated that he sustained forty families at the work, that their weekly wages exceeded two hundred merks; and that his coal would be lost, and all his workers thrown out of employment, if something was not done to assist him, as he was unable any longer to struggle with the adverse circumstances in which he found himself. According to his statement, the average weekly wages of a collier's family reached about five shillings and sixpence sterling.[77]

As noticed in the preceding volume, the Privy Council from

[76] *Register of the Privy Council.*

[77] Chambers' *Domestic Annals of Scotland*, Vol. I., p. 516.

time to time had made regulations for fixing the price of coal, and prohibiting the export of it until all the people of the kingdom were supplied. A duty of six shillings was imposed in 1644 on coal exported in Scotch or English vessels of the value of twelve pounds, but if it was exported in foreign ships the duty was twelve shillings. In 1655 and 1656 the custom on Scotch coal was fixed at four shillings per ton in British ships, but eight shillings if exported in foreign vessels. Small coal was only charged at half the above rates. According to a Parliamentary return of Richard, the Lord Protector, in April, 1659, the annual value of the custom on the export of Scotch coal amounted to £2216 sterling. The Ayr coal fields began to assume importance in the latter part of the century.

Prior to the eighteenth century the quantity of iron produced in Scotland was comparatively small; but there were several lead mines worked. In 1641, Sir James Hope of Hopetoun obtained a grant of the lead mines in Waterhead and Glengonar; and in 1649 an Act of Parliament was passed, which enacted that any one fraudulently intromitting with his lead ore should be punished as resetters of stolen goods. The same year Parliament exempted Sir James Hope's mines from the valuation of the sheriffdom, because they were the only ones of that kind in the kingdom, and ought to be specially favoured. In 1661 Parliament ratified the former Acts in favour of Sir James Hope; at that time the family possessed the lead mines in Crawford Moor, and also the copper mines in Airthrey, and the Binnie silver mines.

In 1698, Hope of Hopetoun had a party of men constantly employed at his lead mines far up one of the vales of Lanarkshire. As it was extremely inconvenient for every man to go several miles for his food, and the proprietor was anxious to make an arrangement that one should go and purchase necessaries for himself and the rest; but under a recent Act against forestalling, no one could venture to sell to any single person so much victual as the miners needed. Hope, therefore, applied to the Privy Council for permission to his baillie to purchase the quantities of victual required, with the assurance that none of it would be stored or sold out to any other person except his own workmen, and that it should be sold to them at the price which it was bought for in the market. On these grounds the Council granted Hope a license to supply food to his workmen. At the same time licenses were granted to the chamberlain of the Earl of Mar, for the benefit of the workmen engaged in his Lordship's coal

mines; to the Duke of Queensberry, for the workmen at his lead mines; to the Earl of Annandale, for his servants and workmen; and to Alexander Inglis, factor for the collieries on the estate of Clackmannan.[78]

Means of intercourse, as roads, bridges, communication by sea, and postal arrangements, are closely connected with trade and national progress. Roads in the order of development naturally precede other modes of transit, and are followed by ferry-boats, canals, improved harbours, and a regular postal system. As civilisation advances, these are rapidly improved, and by and by partly superseded by better expedients and arrangements, as steamships, railways, telegraphic and telephonic communication, all which evince the resources of the human mind. But merely to state results leaves the steps of progress unexplained, and gives no conception of the many difficulties and obstacles which had to be encountered and overcome ere the desired aim was reached; accordingly it is necessary to enter into details in order to render the development of social organisation intelligible, as well as to indicate the obstacles which impede the progress of civilisation.

By an Act of Parliament passed in 1617, Justices of Peace were empowered to give orders for repairing the roads and passages to market towns and seaports, when they deemed it necessary. Those who refused to assist at this work might be punished at the discretion of the Justices; but the arrangement had not proved effective. In 1669, another Act was passed authorising the Sheriff of the county and the Justices of Peace to meet at the head burgh of the shire on the first Tuesday of May every year, and frame measures for repairing the roads, bridges, and ferries within their bounds. They were enjoined to appoint some of their number as overseers of such parts of the roads as were nearest to their residence; and also to appoint some of themselves to survey the roads, the bridges, and the ferries, and then report to the rest, and continue to meet from time to time till the survey was completed. They were authorised to convene all the tenants, their servants, and the cottars within their district, by intimation at the parish churches on Sunday, warning them to have in readiness their horses and carts, sledges, spades, shovels, picks, mallets, and all implements required for repairing the highways. Some of the

[78] *Register of the Privy Council; Acts Parl. Scot.*, Vols. V., VI., and VII. All these noblemen were members of the Privy Council.

more expert men should be appointed to direct the rest, at a fixed rate of wages. According to the Act, these parties had to work on the roads, "man and horse," six days every year for the first three years, and afterwards four days. The Justices of Peace and the overseers were empowered to fine those who absented themselves, twenty shillings for each day a man was absent, and thirty shillings if a man and horse were absent, which money was applied to hire others in their place. It was well understood that this arrangement would not be sufficient for keeping the roads in repair, accordingly all proprietors of each county were authorised to meet once a year, and consider what was necessary for repairing the highways, and for making and repairing bridges and ferries. For this purpose they were empowered to impose a tax not exceeding ten shillings on every hundred pounds of valued rental; and they were authorised to levy moderate custom or toll at bridges and ferries. The Justices were empowered to punish all who injured the roads, by ploughing up, laying stones, rubbish or dung upon them; and where cultivated land lay alongside of the roads it should be fenced with dykes, ditches, or hedging. Where it was necessary to change the line of the road, they were to appoint three of their number to mark the direction of the new road, and upon oath to estimate the damage to the parties whose properties were encroached upon. By this Act the time appointed for repairing the roads was between seed-time and harvest; but on the ground that other seasons of the year were more convenient for working at the roads, Parliament passed another Act in 1670, authorising the Sheriffs and Justices of Peace to convene those liable for this work at any time of the year which they thought fit, excepting always seed-time and harvest.[79]

With the aim of making these Acts still more effective, Parliament in 1686 passed an additional Act touching the highways and bridges. It enjoined the Commissioners of Supply to meet with the Justices of Peace, and to act together in their several counties according to the tenor of the preceding Acts. They were directed to meet every year in the month of June, five to form a quorum, and if a quorum should not assemble, then the Sheriff was empowered to fine each of those who were absent twenty merks, which sum was to be applied for repairing of the roads and bridges.[80]

[79] *Acts Parl. Scot.*, Vol. IV.; Vol. VII., pp. 574-576; Vol. VIII., p. 18.
[80] *Ibid.*, Vol. VIII., p. 590.

According to a series of Acts reaching back to the twelfth century, all the common highways between market towns had to be twenty feet broad at the least, and where they happened to be broader, they were to remain so. Those who put any obstruction upon the highways could be put under caution by the Court of Session not to commit the like again, under a severe penality.[81] Notwithstanding all this minute legislation, the roads in Scotland, even at the end of the seventeenth century, were in a wretched condition, and it was not till the latter half of the eighteenth century that the roads throughout the country were put in a proper state for traffic.

A single illustration of the actual condition of the roads near the capital of the kingdom in 1680 may suffice on this point. The first four miles of the road from Edinburgh to London, the part from the Clockmill Bridge to Magdalen Bridge, was in such a ruinous state that passengers were in danger of their lives, "either by their coaches overturning, their horses falling, or their carts breaking, their loads casting, and horses stumbling; and the poor people with their burdens upon their backs sorely grieved and discouraged. Also, strangers do often exclaim thereat." The Council authorised a toll of a half-penny for a loaded cart, and a sixth of a penny for a loaded horse, for the purpose of keeping this portion of the road in repair.[82]

Turning to the means of communication by post, it appears that the arrangements were of the most primitive description. In the sixteenth century there was no regular system for the transmission of letters in Scotland. When anything was unusually pressing and important, a special messenger was dispatched. About the end of the century, Aberdeen had an officer called the common post, and in 1595, the magistrates ordered that he should have a distinctive livery of blue, with the town's arms on it. In the early part of the seventeenth century there were a kind of posts at certain intervals or places, where horses could be had for travelling, and these were occasionally used for conveying public letters; but such arrangements were limited and very imperfect. Till 1635 there had been no constant intercourse between England and Scotland; but then the King's postmaster of England, for foreign parts, commanded that there should be "one running post or two, to run day and night between Edinburgh and London, to go thither and come back again in six days, and to take with them all such letters as should be directed

[81] *Acts Parl. Scot.*, Vol. I.; Vol. II. [82] *Register of the Privy Council.*

to any post town on the said road, and the posts to be placed in several places out of the road, to run, and bring, and carry out of the said road the letters, as there shall he occasion, and to pay twopence for every single letter under eighty miles, and if one hundred and forty miles, fourpence, and if above, then sixpence. The like rule the King is pleased to order to be observed to West Chester, Holyhead, and thence to Ireland, and also to observe the same rule from London to Plymouth, Exeter, and other places on that road; the same for Oxford, Bristol, Colchester, Norwich, and other places. The King commands that no other messenger or foot-posts shall take up, carry, receive, or deliver any letters whatsoever, other than the messengers appointed by Thomas Witherings, Esq., except common carriers, or a particular messenger purposely sent with a letter to a friend." The post between London and Edinburgh was conducted on horseback; it commonly went twice a week, but sometimes only once. During the Covenanting struggle, communication became irregular.[83]

In 1649, John Mean, the postmaster of Edinburgh, stated that "the benefit arising from letters sent from the capital to London, and coming thence hither by the ordinary post, amounted to four hundred pounds sterling yearly or thereby, all charges being deducted for payment of the postmaster from Newcastle to Edinburgh inclusive, and no proportion thereof laid upon the Berwick packet." In recompense for his expenses, he was allowed to retain the eighth penny upon all the letters sent from Edinburgh to London, and the fourth upon all those coming from London to Edinburgh.[84]

During the rule of Cromwell, intercourse between Scotland and London was largely increased; in 1658, a fortnightly stage-coach was running between the two capitals.

After the Restoration, some improvement of the postal system was effected. In 1662, it was ordered that posts should be established between Edinburgh and Portpatrick, the intermediate stations to be Linlithgow, Kilsyth, Glasgow, Kilmarnock, Ayr, and Ballantrae. The charge for each letter from Edinburgh to Glasgow was twopence sterling, thence to any part of the kingdom threepence, and all letters to Ireland sixpence. All other posts, either foot or horse,

[83] *Register of the Privy Council; Burgh Records of Aberdeen*, Vol. II.; *Burgh Records of Glasgow*, pp. 327-347; Rushworth's *Collections*.

[84] Chambers' *Domestic Annals of Scotland*, Vol. II., p. 187.

were prohibited. But this mode of horse-post had not been long in operation, when several persons were found carrying letters along the same line on foot, to the injury of the postmaster, and at his request a warrant was granted against all such persons. Till 1669, there was no regular postal communication between Aberdeen and Edinburgh; and in the former city this had long been felt as a serious want, "not only to the city, but also to the nobility, the gentry, and others in the northern parts of the kingdom." There had been miscarriage of missives, as well as untimeous delivery and receiving of the same. It was therefore arranged, with the consent of the King's postmaster-general, that Lieutenant John Wales should establish a regular foot-post carrying letters from Aberdeen to Edinburgh twice a week, and returning every Tuesday and Thursday in the afternoon. Each single letter was to be charged twopence, each double one fourpence, and every packet fivepence per ounce sterling. All other common foot-posts were prohibited from carrying any letters to or from Edinburgh, save those employed by Lieutenant Wales, the postmaster of the city. In 1669, a foot-post was established between Edinburgh and Inverness to go and return twice a week to Aberdeen, and once to Inverness, "if wind and weather served."[85]

But at the date of the Revolution, the postal system of Scotland was still extremely imperfect. The postmastership was sold by auction to John Blair in 1689, who undertook to carry on the whole business at various rates for letters, and to pay the government an annual sum of five hundred and fifty pounds for seven years. The charges for single letters were:—to Dumfries, Ayr, Kelso, Jedburgh, Dundee, and Perth, twopence; to Carlisle, Portpatrick, Dunkeld, and Aberdeen, threepence; and to Inverness fourpence.[86] In 1695, Parliament passed an Act for establishing a general post-office in Edinburgh, under a postmaster-general. He was invested with the exclusive privilege of receiving and of dispatching letters; but on roads where there were no regular posts, the common carriers were permitted to convey letters until posts should be established. This system had only one centre, the capital, and letters coming from London to Glasgow arrived first in Edinburgh, and thence sent westward at the earliest opportunity. The Privy

[85] *Burgh Records of Aberdeen*, Vol. IV., pp. 134-138.

[86] *Register of the Privy Council*; Chambers' *Domestic Annals of Scotland*, Vol. III., p. 21.

Council were enjoined to see that branches were established in the most convenient places all over the kingdom, and the hours of dispatching the posts settled and published. According to this Act, the charges for letters were these:—All single letters to Berwick or to any part of the kingdom within fifty miles of Edinburgh, twopence —double letters, fourpence, and so on proportionally; (declaring, nevertheless, that all single letters with bills of lading or exchange, invoices, or other merchants' accounts, may be enclosed and sent to any part of the kingdom as single letters).[87]

It appears that the posts were sometimes attacked and the letters and packets seized. In 1690, Parliament enacted that the robbing or seizing of the mails should be punished with death and the confiscation of goods; and by the Act of 1695, any person that molested or impeded the posts in the execution of their duty by night or by day, were liable to a penalty of one thousand pounds Scots, besides reparation and damages.[88]

We have seen that the roads were not in a fitting condition for wheeled vehicles, indeed carriages or coaches were not used in England or in Scotland till the latter part of the sixteenth century. It was said that coaches were first used in England during the reign of Elizabeth. In 1610, the King granted a licence to Henry Anderson to bring a number of coaches and waggons into Scotland for the purpose of driving his Majesty's subjects between Edinburgh and Leith. He also obtained for himself and his heirs an exclusive right of this business for fifteen years, on the condition that he should be always ready to serve the people, and charge only the sum of twopence for conveying each passenger between Edinburgh and Leith.[89] As already mentioned, stage-coaches ran from Edinburgh to London during the Commonwealth, and the fare was four pounds ten shillings, "in all cases with good coaches and fresh horses on the roads." Street carriages did not come into use in Scotland till the latter part of the seventeenth century, and even then they were little used. In Edinburgh sedan-chairs were employed instead of wheeled vehicles down to near the end of the eighteenth century. In 1678, the Privy Council granted an exclusive privilege to three men in Haddington to run a stage-coach between that place and Edinburgh for five years. The same year, William Hume, a merchant in Edinburgh, established

[87] *Acts Parl. Scot.*, Vol. IX., pp. 517-419. [88] *Ibid.*, Vol. IX., pp. 241, 418.
[89] *Royal Letters;* Chambers' *Domestic Annals of Scotland*, Vol. I., p. 427.

a stage-coach between the capital and Glasgow. He proposed that his coach should only carry six passengers, at a fare of six shillings each in summer and nine in winter. The Privy Council granted him an exclusive privilege for seven years, and also assured him that his coach horses would not be pressed for any kind of public service.[90]

But it seems doubtful if any of these schemes of stage-coaching were really successful. A writer who travelled through Scotland in 1688 has stated: "Stage-coaches they have none. . . . The truth is, the roads will hardly allow them these conveniences, which is the reason that their gentry, men and women, choose rather to ride on their horses. However, their great gentlemen travel with a coach and six, but with so much caution, that besides their other attendants, they have a lusty running footman on each side of the coach, to manage and keep it up in rough places." The traveller further remarks: "This carriage of persons from place to place might be better spared were there opportunities and means for the speedier conveyance of business by letters. They have no horse-posts besides those which ply between Berwick and Edinburgh, and from thence to Portpatrick, for the sake of the Irish packet. . . . From Edinburgh to Perth, and so to other places, they use foot-posts and carriers, which, though a slow way of communicating our concerns to one another, yet it is such as they acquiesce in till they have a better." But in 1697 the stage-coach from York to London required a week to accomplish its journey. This fact was noted in the *Diary* of George Home; the truth is, travelling was very slow everywhere throughout Britain at that period, and for long after.[91]

Turning to the shipping of the kingdom, some information may be drawn from the report of Thomas Tucker—one of Cromwell's officials, upon the settlement of the revenues of excise and customs in Scotland in 1656; and from a Register containing notices of the state of every burgh in the kingdom in the year 1692.[92] For fiscal purposes the Government of the Commonwealth arranged the ports of Scotland into eight groups, and at the head port of each group a custom office was established. Leith, the chief port of Scotland, and the ports attached to its district (of which the most important were Dunbar, Eyemouth, and Musselburgh)

[90] *Register of the Privy Council.* [91] *A Short Account of Scotland*, 1702.

[92] Both of these Reports were printed for the Scottish Burgh Record Society in 1881.

had fourteen vessels, of which a few of the largest were of three and two hundred tons burden. Speaking of Leith, Tucker said:—"Leith itself is a pretty small town, having a convenient dry harbour, into which the Firth ebbs and flows every tide; and a convenient quay on the one side thereof, of good length, for the landing of goods. Leith was, and is, indeed, a storehouse, not only for her own traders, but also for the merchants of the city of Edinburgh, and did not that city, jealous of her own safety, obstruct and impede the growing of this place, it would from her slave, in a few years become her rival."

The next head port was Borrowstounness, to which was attached a number of small ports, but the number of their vessels was not stated; their trade, however, was chiefly in coal and salt. The third head port was Bruntisland, on the north side of the Firth opposite to Leith, and its district extended from Inverkeithing along the shore of Fife to the banks of the Tay. The trade of this district inwards was with Norway, the East, and France, and the outward trade was mostly in coal and salt. This group of ports had fifty vessels, but the greater part of them were small, only three reached up to one hundred tons burden, two of which belonged to Kirkcaldy.

The fourth head port was Dundee, to which was attached Perth, Arbroath, and Montrose. The trade of Dundee inwards, as generally all over Scotland, was with Norway, the East, Holland, and France; and the outward trade consisted mainly of plaiding and salmon. Dundee had ten ships, two of one hundred and twenty tons each, one of ninety tons, one of sixty, and the rest smaller. Tucker said that Perth—"is a handsome walled town, where there is an officer always attending, not so much because of any great treading there, as to prevent the carrying out of wool, skins, and hides, of which commodities great quantities are brought thither out of the Highlands, and there bought up and engrossed by the Londonmen."

Aberdeen was the fifth head port, and those connected with it were Stonehaven, Peterhead, Fraserburgh, Banff, and a few other small ports. Tucker described the harbour of Aberdeen minutely, and said—"But the wideness of the place, from the inlet of the sea coming in with a narrow winding gut, and beating in store of sand with its waves, has rendered it somewhat shallow in the greater part of it, and so less useful than formerly. But the inhabitants are remedying this by lengthening their quay, and bringing it up close to a neck of land, which jutting out eastwards towards a headland be-

fore it, makes the coming in so straight." He stated that the trade outwards was "with salmon and plaiding, commodities which are caught, and made here in greater quantities than any other place of the nation whatsoever." Aberdeen had nine ships belonging to her port, one of eighty tons, one of seventy, another of sixty, and the rest smaller; while Peterhead had one small vessel, and Fraserburgh four.

The sixth head port was Inverness, which included in its district the ports of the counties of Moray, Ross, Sutherland, Caithness, and the Orkney Islands; but in these regions there were few ships. Inverness had only one, Garmouth one, Cromarty one, and Thurso two, while the Orkney Islands had three; but it was stated that "lately there were other nine barks belonging to the Islands which had been taken or lost by storm, this and the last year."

Glasgow was the seventh head port, which appeared according to Tucker's view, to have been even then taking the lead in trade amongst the Scotch ports. "This town, seated in a pleasant and fruitful soil, consists of four streets, handsomely built in the form of a cross, is one of the most considerable burghs of Scotland, as well for its structure as for its trade. Its inhabitants, all save the students of the College, are traders and dealers: Some go to Ireland with small smiddy coals, in open boats of from four to ten tons burden, whence they bring home hoops, barrel staves, meal, corn, and butter; some to France with plaiding, coals, and herrings, of which there is a great fishing yearly in the western sea; some to Norway for wood; and everyone with their neighbours, the Highlanders, who come hither from the Isles and the Western parts, in summer by the Mull of Cantyre, and in winter by Torban, to the head of Loch Fyne, usually drawing their boats over the small neck of sandy land and into the Firth of Dumbarton, and so pass up the Clyde with plaiding, dry hides, goat, kid, and deer skins, which they sell, and purchase with their price such commodities and provisions as they need from time to time." Tucker thought that Glasgow was likely to become a great commercial city, owing to the energy of her citizens; but the chief obstacle to her rapid growth appeared to be the shallowness of the Clyde, on which only very small barks could pass up to the town. Glasgow had twelve ships, three of one hundred and fifty tons burden each, one of a hundred and forty tons, two of one hundred tons, and the rest smaller. The other ports associated with Glasgow were noticed in the report thus:—"Dum-

barton, a small and very poor burgh, which sometimes gives shelter to a vessel of sixteen tons. Greenock, a small place, the inhabitants being all seamen or fisherman, trading to Ireland or to the Isles in open boats. Saltcoats has only a few houses inhabited by fishermen."

Ayr was the eighth and last head port, and its district embraced "all the shore which bounds Kyle, Carrick, and Galloway, places fuller of moors and mosses than good towns and people, or trading." Yet Ayr had three ships and a few small barks. But Tucker stated that this district of ports would scarcely yield any more revenue than would pay the necessary outlay of the Government.

The materials and figures for comparing the shipping at the dates of 1656 and 1692 are very incomplete, as the information of a definite character for the later is imperfect, and only admit of a comparison of the shipping of a few of the chief ports. But the figures in the following table may be taken as approximately correct :—

	1656.		1692.	
	Vessels.	Tonnage.	Vessels.	Tonnage.
Leith, ...	12	1000	29	1700
Dundee, ...	10	498	21	1191
Glasgow, ...	12	830	15	1172
Kirkcaldy, ...	12	592	14	1213
Montrose, ...	12	220	18	629
	58	3140	97	5905

It appears from the above figures that the shipping of these five ports had increased considerably between the two dates. It may also be stated that at the later period, various parties in Glasgow were part-owners of several other ships besides these in the table ; while only about one half of the Kirkcaldy vessels belonged to parties in that town : and the vessels belonging to Montrose were all small barks.

The mode of agriculture practised in Scotland was extremely rude; and in no field of industry is there a more striking contrast than between the husbandry of the seventeenth century and that of the ninteenth. In the seventeenth century only a small portion of the land was under tillage, there was no regular rotation of crops, and no improved grasses, such as clover and ryegrass ; and though the chief wealth of the farmers consisted of cattle, no efforts were made to improve the breeds, which were all of a small class, and as yet there was no stall-feeding.

The general system of farming was this. The land which was manured extended to only about a fourth of the farm, or sometimes a fifth or sixth of it. The remaining portion, called the outfields, was never manured, but a certain part of it, after having been pastured on for seven or eight years, was then ploughed up, and after yielding a poor crop or two of oats, by which it was exhausted, it was again rested and pastured on as before, and another portion ploughed, cropped, exhausted, and rested in its turn. Under this system, which kept only the part of the land nearest to the farmyard in a state fit for tillage, the whole arable land of the country could have yielded but little, compared with what it was capable of producing. Several parts of the south, now celebrated as grain-producing districts, were at the end of the seventeenth century merely stony moors and bogs. Although parliament had passed acts touching fences, hedges, and ditches, there were few enclosed fields anywhere in Scotland, and the practice of improving the soil by a regular system of drainage was quite unknown. In 1686 it was enacted that all proprietors, life-renters, tenants, and cottars should cause their cattle, horses, sheep, goats, and swine to be herded the whole year ; and during the night to keep them in houses or folds, that they might not eat and destroy other people's crops, grass, woods, planting, and hedges. Those found contravening the act were to be liable to a penalty of half a merk for each of the animals found upon their neighbours' grounds, "over and above the damage done to the grass or the planting." [93]

Agricultural implements were rough and clumsy. The plough was made of timber, save the clathing, the coulter, and sock ; while the ploughing itself was of the most wretched description. The entire economy of the farm was in a backward state : the manure was carried to the fields on horseback and by manual labour, while the grain was conveyed to the mills and to the markets on horseback, carts being as yet very little used. Three or four returns was considered to be a good crop, and the difficulty of finding food for cattle throughout winter was often extreme. Animals intended for human food were slaughtered before Martinmas, and salted, to supply the family with meat during the winter. The trade in beef was then on a limited scale in Scotland ; probably there is more beef sold in one week at the present time than was sold in a year at the end of the seventeenth century.

[93] *Acts Parl. Scot.*, Vol. VII., p. 595.

The state of the tenants and labourers of the land was not a comfortable and happy one. Farmers themselves were poor, and part of their rents was still paid in produce and in services to landlords. Farm-steadings were merely clusters of hovels, without proper accommodation even for cattle, far less for human beings.

A strong desire for exclusive privileges in trade and industry still prevailed. Early in the seventeenth century, attempts were made to introduce into Scotland an improved mode of tanning leather. Twelve tanners from England, under royal patronage, came to instruct the barkers and tanners of Scotland in the perfect mode of making leather. They were invested with special privileges, and were located in several parts of the the country, the object being to retain at home the money which had been usually spent on foreign leather. But a tax was put on the improved leather, at the rate of four shillings Scots per hide, for the first twenty-one years. This caused discontent among the shoemakers who everywhere exerted themselves to thwart the King's purpose. They raised the prices of their boots and shoes, twenty shillings on the pair of boots, and six shillings on the shoes, which stirred up the people against the tax, and a clamour arose that the nation was oppressed, the poorer classes especially. In 1622, a complaint was lodged with the Privy Council, that many of the tanners throughout the kingdom still continued the old mode of letting their leather remain only a short time in the pits, and then brought it to market in a raw state, quite regardless of the obvious advantages of the new way of tanning. The Council therefore ordered that a number of the old tanners should be proclaimed rebels. The grievances of the leather-workers came before the Estates in 1625, and again in 1633, when the tanners and barkers of the kingdom petitioned Parliament, "to be freed and relieved of the burden and imposition imposed upon them for tanning and barking of hides; and that this impost should be discharged, because it does great damage to the whole country." Subsequently the matter was often before the Estates;[94] but down to the present time, the tanners of

[94] *Register of the Privy Council*; *Acts Parl. Scot.*, Vol. V., pp. 48, 185, 264. About this time gilded and ornamented leather was fashionable for covering the walls of rooms in the better class of houses though, of course, it was imported. But in 1681, Alexander Brand, a merchant in Edinburgh, stated that he had brought workmen and materials into Scotland, and proposed to erect a work to produce this kind of leather as cheap as it could be imported. The Privy Council granted him an exclusive right of manufacturing it for nineteen years.

Scotland have not succeeded in producing leather of equal quality to the best English and French. The Scotch croops, or sole leather, is much inferior to the English, and the Scotch calf and upper leather is also inferior both to French and English.

In the preceding volumes I referred to the making of cloth, which branch of industry was still in a comparatively rude stage, and various attempts were begun in the seventeenth century to introduce improvements. In 1601, Commissioners, deputed by the burghs, engaged seven Flemishmen to settle in Scotland and assist in setting the work in operation; six of them being intended for making serge stuff, and one for broadcloth. On arriving in Edinburgh, they had expected to be immediately employed; but a debate arose as to whether they should be dispersed among the chief towns, and thus diffuse their instructions more widely among the Scots. While this was pending, the foreigners complained to the Privy Council that they were neither entertained nor sent to work, and that it was proposed to separate them, which would greatly retard the perfecting of the work. The Council ordered that they should all be allowed to remain in Edinburgh, and work according to the conditions on which they had agreed with the commissioners; and that till they began their work, they should be properly supplied with food and drink. But six weeks later, the burghs had done nothing; and the Council then informed them that, unless they made a beginning by the month of November, the royal privilege would be withdrawn. Eight years later a company of these foreigners, under the special protection of the King, was established in the Canongate, Edinburgh, and made cloth of various kinds. The business was managed by John Sutherland and Joan Van Headen, and it was stated that they were diffusing much light and knowledge of their calling amongst the Scots. In spite, however, of the King's letters, which invested these industrious men with special privileges, and exemptions from local burdens, the magistrates of the Canongate began to molest them, with the object of forcing them to become burgesses and freemen in the regular form; on their appeal to the Privy Council, their exemption was affirmed.[95]

The bulk of the clothing then used in Scotland was home-made, the people supplying themselves with clothes from their own wool and flax; each family spinning for itself the yarn, and sending it to

[95] *Register of the Privy Council; Acts Parl. Scot.*, Vol. V., p. 49.

the village weaver to be woven. In some parts of Scotland the children were regularly taught to spin by a mistress. The magistrates of Peebles resolved in 1633—"to convene all the persons and parents of those bairns given up in a roll, to be bound for a year to the small wheel in the house to be erected to learn the young ones to spin." And, "the whole council have referred the taking of a house for the mistress and bairns of the little wheel to be erected for learning the young ones to spin, to the provost and the two bailies."[96] It was not till towards the end of the seventeenth and the beginning of the eighteenth centuries that successful efforts were made to manufacture this class of goods for general sale; although in the reign of Charles I. there were cloth manufactories on a small scale at Newmills in Haddingtonshire, at Bonnington near Edinburgh, and at Ayr; while in Aberdeen there was a manufactory of plaiden goods and ginghams. In 1641, parliament passed an act to encourage and facilitate the erection of manufactories. This act promised the following immunities to all who had or should erect such works:—"All Spanish and foreign fine wool for making fine cloth shall be custom free, all dye stuffs, oil, and other materials necessary for such works, shall be free of all custom and impost; all parcels of cloth made by any who have erected, or shall erect such works, shall be custom free for the space of fifteen years from the date of their erection. The managers of such works shall be free of any taxation to be imposed on the kingdom for any occasion bygone or to come; and it shall not be lawful for anyone to engage, reset, or entertain, any of the servants of these works without the consent of the masters thereof." By another Act passed in 1645, the masters and all the workers of manufactories were freed from military service and the quartering of troops upon them; and it was again declared that such works were to be free of all taxation.[97]

In 1661, Parliament passed two Acts concerning manufactories, one recommending the establishment of companies and societies for making linen and cloth stuffs, and the other for erecting manufactories; while it also ratified former Acts of Parliament and of Council which had similar ends in view. These proposed companies were authorised to incorporate themselves, and to elect a certain number of their members to act as a committee or council of man-

[96] *Burgh Records of Peebles*, pp. 372, 373.
[97] *Acts Parl. Scot.*, Vol. V., p. 497; Vol. VI., p. 174.

agers, to frame rules and regulations for the management of the manufactory, and conducting the business of the company. For their encouragement, materials imported for use in their manufactures, and whatever goods they produced and exported, were to be free of custom and impost for nineteen years; the stock invested in their works was exempted from public and local taxes; and they themselves were to be free from quartering of soldiers. Every encouragement was given to skilled workmen from other countries to come and settle in Scotland, and instruct the Scots in their respective kinds of work. The point touching foreigners was thus stated:—"If any stranger shall come or be brought into this kingdom by natives to set up work and teach his art in making cloth stuffs, stockings, or any other kind of manufacture, he shall enjoy the benefit of the law and all other privileges that a native does enjoy; with power to erect manufactories either in burgh or landward as they shall think fit: and there to dwell and exercise their trade without any stop or trouble." The managers and heads of the company were enjoined to appoint an expert man to visit and examine the work, and to put a mark or seal upon it, distinguishing what was sufficient and what not. The Privy Council, or others whom the King might appoint, were empowered to do whatever was found to be hereafter necessary for promoting the manufactures.[98]

At the same time other Acts were passed with the aim of promoting home manufactures. The export of all kinds of hides, of woollen yarn, of raw and unwaxed cloth, excepting plaiding, all linen yarn, broken copper, brass or pewter, was prohibited under the penalty of confiscation of the goods. An Act was also passed in 1661, authorising and recommending the establishment of fishing companies for promoting the fishings. This Act contained many proposals and elaborate provisions for prosecuting the herring fishing and white fishing in the various seas, channels, firths, and lochs, "in his Majesty's ancient kingdom of Scotland." An Act for encouraging shipping and navigation was passed; and also an Act appointing a council of trade, which was empowered to do whatever was necessary for regulating, improving, and advancing of trade, navigation, and manufactures; and this was to endure until discharged by the King.[99]

In 1681, Parliament passed another Act for encouraging trade and

[98] *Ibid.*, Vol. VII., pp. 255, 261.
[99] *Acts Parl. Scot.*, Vol. VII., pp. 257, 259-261, 273, 283.

manufactures, which embodied proposals that the Privy Council had issued by proclamation six months before, and ratified all former Acts for the encouragement of manufactures. The most remarkable part of the Act was the long list of articles and goods which were emphatically forbidden to be imported. All gold or silver thread, lace, fringes, or buttons of gold, and all gold or silver worn on clothes, or counterfeits of them, and all embroideries of silk for wearing clothes; all foreign linen, cambric, damask, ticking, and calico; all foreign silk or woollen stockings, silk lace, and gimp thread; all foreign shoes, boots, or slippers, gloves and clothes, and many other things, were forbidden to be imported under the penalties of being "burned and destroyed, and the importers or resetters fined in the value thereof."[100] By such measures it was thought that more money would be retained at home, and thus enrich the nation. But it was soon discovered that the prohibited foreign goods quickly rose in price; and then the magistrates of Edinburgh were called before the Privy Council, and ordered to assemble the merchants of the city, and forbid them to take such exorbitant prices from the people for the prohibited goods, on the ground that there was no more to be imported into the kingdom. In fact, the prohibitive part of the Act was too extreme, and had to be relaxed.[101]

About this time a company, including some of the Edinburgh merchants, was formed for starting a new work at Newmills. It was to be placed under the direction of James Stanfield, an Englishman, and a foreman and six sheermen were to be brought from England. The work was opened with two looms, which were soon increased to eight, and then to twenty-five; and in 1683 the work was still going on. They began by making white cloth, and next turned a number of their workers to coarse mixed cloth, and so on gradually to fine, "till now we are upon superfine cloths, and have brought the spinners and the best of the workers that length that we hope by May next to have superfine cloths as good as generally are made in England." In the same place there was a manufactory of silk stockings in operation.[102] There was a small woollen manufactory in Leith; and in 1683, on a petition from the owners, the Privy Council extended to it the privileges of the Act for encouraging manufactures. It was re-

[100] *Acts Parl. Scot.*, Vol. VIII., p. 348.

[101] *Register of the Privy Council; Acts Parl. Scot.*, Vol. VIII., p. 479.

[102] *Pamphlet on Woollen Manufactories*, 1683.

ported that the partners of this undertaking were well skilled in their business, and that it—"can dye and mix wool and cloth; and can take in wool from the merchants and others, and does dye and mix it and deliver it in broadcloth; and has already made good broadcloth to many of the merchants of Edinburgh."[103]

Hitherto the dress of the royal army had been of a plain description, but it was now deemed necessary for the soldiers to have coloured coats, that they might be easily distinguished from other skulking and vagrant persons, who had before imitated the livery of the King's troops. In 1684, the Newmills manufacturing company offered to furnish from their own works a suitable cloth of any dye that should be desired, as cheaply and promptly as could be done in England; and they offered to show samples and to give security for the fulfilment of the undertaking. But the Privy Council decided to use English cloth. In the beginning of the year 1685, the captain of the town-guard of Edinburgh was empowered to import three hundred yards of scarlet cloth, with trappings and other necessaries, for the clothing of his corps; and some of the other commanders of troops got similar licenses. At this the Newmills company were greatly offended, and petitioned that the importation of English cloth for the army should be stopped, as it could be supplied as good and as cheap from the home factory, and begged that a committee should be appointed to ascertain if this was the case. The petition was received, but nothing resulted from it. The company, however, had resolved to protect their privileges, and directly attacked five of the merchants of Edinburgh, who had been dealing in English cloth contrary to the law. Their complaint contained a minute enumeration of the goods and the quality of the cloth which each of the merchants had sold; and the offenders were many times called before the Privy Council, and failing to appear, they were held to be guilty, and therefore decreed to deliver up the prohibited goods to be burned according to law; while they had to recompense the King's cash-keeper for the goods, "at the rate of twelve shillings sterling for each yard of cloth, and five shillings for each dozen of the prohibited stockings."[104]

[103] *Register of the Privy Council.*

[104] *Register of the Privy Council;* Chambers' *Domestic Annals of Scotland,* Vol. II., pp. 419-421. "It was not, after all, to be in this age that good woollen cloth was to be produced in our northern clime." A writer, in 1697, says: "We have tried to make several things, and particularly hats and broadcloth,

From an early period linen cloth was made in Scotland, though for long the trade was on a very limited scale. Parliament enacted, in 1641, that linen at tenpence per yard or upwards should be a yard in breadth, and should be presented in the markets in folds, not in rolls. In 1661, the Act already noticed for establishing companies enumerated linen among the fabrics proposed to be encouraged, and enacted that all yarn must be sold by weight.[105]

But the commercial relations of England and Scotland were of the most unsatisfactory character. In all the trade and commercial legislation of the period it was the leading aim to prevent the importation of everything, which it was thought could be produced or made at home, as it was believed that this course was the only one which would enable the nation to become busy and rich. So in 1663, the Scotch Parliament imposed a scale of duties on all English goods which amounted to prohibition, with the natural result that the English also adopted prohibitory measures. The consequences were ruinous. A petition was presented to the Privy Council in 1684, complaining of the severe treatment which Scotsmen had received when selling their linen goods in England. It was stated that before there had been a free trade for Scotch linen in the South, but that latterly the men selling it in England had been apprehended, and whipped as criminals, and many of them obliged to give security that they would discontinue their traffic. It was affirmed that about twelve thousand persons were then employed at this branch of industry in Scotland; and therefore it was important, not merely to the workers, but also to the landlords and to the government, as every twelve hundred packs exported to England paid a custom of three pounds sterling. The Council recommended the Secretary of State to intercede with the King, that the Scotch merchants and others might have liberty to sell linen in England, without alluding to the fact that there was a Scotch Act which treated English woollen goods in the same exclusive spirit.[106]

Another way of promoting the manufacture of, and trade in linen, was tried in Scotland, when Parliament in 1686 enacted that the

and yet we cannot make our ware so good as what we can have from abroad. Those who would propagate any new manufacture must lay their account to labour under several disadvantages at first."—*Husbandry Anatomised*, Edinburgh, 1697.

[105] *Acts Parl. Scot.*, Vol. V.; Vol. VII., p. 257.

[106] *Register of the Privy Council; Acts Parl. Scot.*, Vol. VII., pp. 465, 466.

bodies of all persons should be buried in plain linen only, spun and made within the kingdom, under a penalty of three hundred pounds Scots, if a nobleman. To render the Act effective, the relatives of deceased persons were enjoined, under severe penalties, to declare upon oath to their parish minister, within eight days of the funeral, that the law had been obeyed. Poor tenants and cottars in the country were exempted from the operation of the Act. This Act was repeated in 1693 and in 1695.

In the Act of 1693, it was enacted that all linen should be sold by weight. "And further, their Majesties, considering how much the uniform working and measuring of linen cloth may raise the value thereof with natives and foreigners, and render the trade more easy and acceptable to merchants: therefore, have enacted that all linen cloth made for export or for sale in the public markets of the kingdom, should be made exact to these two standards, namely, either of the breadth of three-quarters and two inches unbleached, or a large ell and 2 inches in breadth when bleached; and that no three-quarter cloth should contain above a thousand double threads of warp, and that all cloth above a thousand double threads of warp should be an ell and two inches broad unbleached, and a large ell bleached: that all linen cloth to be sold in the manner aforesaid should be made up in pieces and half-pieces as follows: All three-quarter broad in pieces containing eighteen ells, and half-pieces nine ells; and all ell-broad cloth in pieces containing twenty-four ells, and half-pieces twelve ells. That all such linen cloth should be equally and evenly wrought according to the due thickness and closeness of sufficient marketable cloth; and that all weavers should leave at the end of each piece three finger breadths of warp yarn unwefted to remain for thrumbs to each piece and half-piece, and that when they cut any web out of the loom they knit every fifty double threads together, for the more exact numbering of the warp threads of every web . . . that the owner of all such linen cloth, before exposing it for sale, should be obliged to bring it to a royal borough where linen is usually sold, and there to receive the public seal and stamp of the borough upon both ends of each piece, which shall be a sufficient proof of the just length, breadth, and the quality of the working, and the proper thickness and closeness."

Another Act was passed in 1693, prohibiting the export of lint, and permitting it to be imported free of duty. At the same time Parliament passed Acts granting the privilege of manufactories to

Paul's works at Edinburgh, and to the works at Leith, giving them power to incorporate themselves with all the rights usually accorded to manufactories. Yet another Act was passed in 1693, erecting the woollen manufactory of Newmills into a free incorporation; and another in favour of the manufacture of baizes, and for the encouragement of trade, in which it was stated that James Foulis, John Holland, William Graham, and other five merchants, had resolved to erect a manufactory for making the cloth, commonly called "Colchester Baizes," and all other kinds of baizes. This, it was supposed, would consume the native wool which could not be otherwise profitably used. The company were granted all the privileges usually given to such undertakings; but if they failed to put the work in operation within two years, then the Act in their favour became null and void.[107]

In May, 1694, an agreement was concluded between Nicolas Dupin, acting for a linen company in England, and the royal burghs and others in Scotland, for forming a company to carry on the manufacture of linen in the latter kingdom. It was arranged that the undertaking should be founded upon a capital of thirty thousand pounds, in five pound shares, which were to be equally divided between Englishmen and Scotsmen. The shares were to be paid in four instalments within four years. The work was referred to as established in 1696, and two years later the bleaching was executed at Corstorphine.[108]

Prior to the seventeenth centruy, all the soap used in Scotland was imported, chiefly from Flanders. It has been estimated that the whole annual consumption of this essentially necessary article only amounted to about 400,800 pounds, little more than a fraction of the quantity which is consumed at present. In 1619, the King granted a patent to Nathaniel Uddart, to endure for twenty-two years, for the manufacture of soap in Scotland. This man erected a soap-work at Leith, and furnished it with everything requisite for the business. But two years later he petitioned the Privy Council that the importation of foreign soap should be prohibited, and said that he was able

[107] *Acts Parl. Scot.*, Vol. VIII., p. 598; Vol. IX., pp. 311-319, 461. Touching coffins, the Act of 1686 contained this provision, "that no wooden coffin shall exceed one hundred merks Scots as the highest rate for persons of the greatest quality, and so proportionally for persons of meaner quality, under the pain of two hundred merks Scots for each contravention."

[108] *Wodrow Pamphlets.*

to supply all that was necessary for the use of the people, and thus save money from being sent out of the kingdom. The Council made inquiries as to the quality of the soap which he produced, and having satisfied themselves that he could produce the necessary quantity, granted the prohibition which he desired. At the same time they fixed the maximum price of the native soap, which was to be £24 per barrel for green soap, and £32 for white, and each barrel to contain sixteen stones. But the production of soap had only been two years under protection when loud complaints arose amongst the people. It was said that the quality of the home-made soap was inferior, and the merchants bitterly complained that their traffic with the Low Countries was interrupted; while the merchants of Dumfries and other places grumbled because they were forced to carry soap all the way from Leith, when they could have it brought by ships to their doors. These parties presented their grievances to the Lords of Council, who again made inquiries, and concluded that Uddart's privilege was hurtful to the nation, and that the people had not been so well supplied with the soap made by him as they had been formerly with foreign soap. The Council accordingly, in July 1623, declared that the prohibition should cease in a year or sooner, if he continued to produce an inferior or a dearer article.[109]

Uddart seems to have retained his patent till the twenty-one years were nearly run; and in 1634, a new one, to commence on the close of the old, was granted by the King to his servant, Patrick Mauld of Panmure. The King's letter is characteristic, and proceeded on this ground :—"that it is necessary for the good of his Majesty's ancient kingdom that the people should be furnished with good soap, at a reasonable price within itself, and that soap-making is not a trade that can be communicated to all his subjects, and that the public would suffer if the same was left indifferently to all: while it is equally true, that such being the case, the choice of the person belongs to his Majesty as a part of his sovereign prerogative." As Mauld had undertaken the work with the responsibility of continuing it, the King granted to him and his representatives, for twenty-one years, the sole licence within the kingdom of making soap for washing clothes, of all colours and qualities which they may think fit. If more soap was produced than was required for the people, the surplus might be exported; and Mauld might employ foreigners at

[109] *Register of the Privy Council,*

his works, but they were forbidden to make soap for any other person. In connection with his patent, he got a licence to fish and trade in the seas of Greenland, and in the Isles, that he might provide his works with oils and other materials. The King also granted to him the sole right of making potash of all kinds: and for these privileges he was to pay an annual sum of twenty pounds sterling.[110]

In 1661, Parliament passed an Act for encouraging soapworks, which stated that such works had already been of advantage to the nation, and might be made of greater advantage: that the eastern and Greenland fishing would be greatly assisted by the importing of potash and other materials, and money brought into the kingdom by the exported soap made within the same. It was therefore enacted that oil, potash, and other materials imported for making soap, should be free of all custom; and that any soap produced in the kingdom might be exported duty free for nineteen years from the date of the erection of the works where it was produced.[111] Before the end of the century there were several soap-works in operation.

Another product of skill and industry associated with refinement, glass-making, was attempted. In 1610, a patent was granted for the erection of a glass-work in Scotland, which was begun in Wemyss, in Fife, under the direction of Sir John Hay, who, it is also reported, had originated an ironwork. But in 1619, he informed the Privy Council that his works had not proved remunerative; and it was then requested that the King should allow the glass made by Hay to be sold unrestrictedly in England, while the export of coal into that country should be prohibited; and if this were done he had some hope of prospering. However, it appears the work was continued, as the Privy Council, in 1621, appointed a commission to examine and try the quality of the glass, to see that measures were adopted for the full supply of the country with glass, and thus save the importation of foreign glass. They soon reported that the Wemyss glass work was in a satisfactory condition. The cradles contained fifteen wisps, and each wisp had three tables, three quarters of a yard and a little more in depth. The glass was reported to be fully as good as Danskine glass, though they would have been better pleased if it had been a little thicker and tougher. Touching the quality of the drinking glasses produced, the commissioners were more doubtful, and recommended patterns of English glass for comparing and

[110] *Register of the Privy Council.* [111] *Acts Parl. Scot.*, Vol. VII., p. 203.

trying the quality of the Scotch ones in future. Upon this report the Council granted the desired monopoly against foreign glass-makers, but under conditions limiting the price of broad glass to twenty pounds per cradle.[112]

Before the end of the century several glass-works were established. There was one in Leith which made bottles and apothecary glasses; and in the year 1689, it was stated that this work produced a greater quantity of wares in four months than had been sold in the country for a whole year, and at as low prices as any similar articles from London and Newcastle. So the Privy Council granted it the privileges of a manufactory, and prohibited the importation of foreign bottles, provided that the Leith company should not charge more than two shillings and sixpence per dozen bottles. In the beginning of the year 1690, the owners of the Leith glass works complained that the work at Newcastle, and the English, had sent large quantities of glass and bottles into Scotland, "which was likely to over-stock the whole country." On their petition, the Privy Council empowered the Leith glass company to employ officers to seize all such English bottles and bring them in for his Majesty's use. The laird of Preston-grange proposed to build a glass-work on his own estate, at a place called Newhaven, "for making all kinds of glass, as bottles, vials, drinking glasses, window and mirror glasses." He had arranged with foreigners for carrying on the work, and everything looked encouraging; and in 1697, the Privy Council granted to his proposed work the privileges accorded by Act of Parliament to manufactories. About the end of the century, a proposal was made by James Montgomery, a merchant in Glasgow, to erect a glass-work there, and the Council granted him the usual privileges.[113]

Connected with the department for preparing the glass intended for mirrors, there was a refugee Frenchman, called Leblane, who had married a Scotch woman, and became a burgess of guild in Edinburgh. His special branch of work was to polish the glass used for making mirrors, an art never before practiced in Scotland. He carried on his business in a workshop in the Canongate; and the mirrors which he was commissioned to make often required mouldings and head-pieces of wood, and sometimes tables, drawers, and stands, corresponding to

[112] *Register of the Privy Council;* Chambers' *Domestic Annals of Scotland,* Vol. I., pp. 506, 507.

[113] *Register of the Privy Council.*

the glass, for completing a set. Leblane offered to employ the wrights of the Canongate to execute the woodwork which he required, but they told him that they could not do it; he was therefore forced to employ some of the wrights of Edinburgh. This, however, caused the Canongate wrights to complain that their rights were encroached upon, and his work was likely to be much impeded; but he petitioned the Privy Council, and got permission to provide the upholstery work connected with his mirrors on the simple principle of his making a first offer of it to the wrights of the Canongate.

It seems that until about the beginning of the eighteenth century there was no regular work for making earthenware in Scotland. The articles of this description in use among the people were imported. In 1703, William Montgomery, of Mackbiehill, and George Sim, a merchant of Edinburgh, made arrangements for erecting a pothouse, for making porcelain and earthenware; and had engaged foreign operatives to secure the successful execution of the work. For the encouragement of the enterprise Parliament granted to them an exclusive right of production for fifteen years.[114] It was stated in the Act that the projectors of the work "were to bring home workmen upon their own charges, until those of this nation be instructed and capable in the said trade, provided they be allowed such privileges and encouragement for such a number of years as the hazard of a project new in itself, and liable and subject to many miscarriages and accidents in the beginning, and the uncertainty whether when the same is erected, the clay of the country will prove so good and sufficient as to warrant us to proceed therein."

Paper is associated with the diffusion of knowledge and the progress of civilisation in many ways; and the first attempts to manufacture it in Scotland are full of interest. The trade of collecting rags in connection with the sale of earthenware, and the production of paper, became an important branch of industry; in fact, the value of rags as material for the manufacture of paper could not be easily estimated. Recently the difficulty of obtaining sufficient raw material for making the enormous quantities, and the different kinds and qualities of paper, have been greatly increased, and have taxed the ingenuity of able and energetic men.

In 1590, there was a proposal made to erect a paper manufactory in Scotland. The Privy Council granted the projected work an ex-

[114] *Acts Parl. Scot.*, Vol. XI.

clusive right of making paper for nineteen years. But it does not appear that this design, which was originated by a German and others associated with him, proved successful; and we find no more attempts to produce paper at home till 1675, when a paper work was erected at Darly Mills, on the Water of Leith. French workmen were employed to instruct the Scots; and in 1679, the owners of the work reported that they were able to produce "gray and blue paper much finer than ever was done before in this kingdom." At this time, Alexander Deas, a merchant, and one of the proprietors, presented a petition to the Council stating that the work not only supplied good paper, but also promised a general benefit to the community from the utilisation of rags, which before were not turned to use, and in gathering of which many poor people could make a living; while in the work itself, many Scotsmen and boys were employed, and many more might be instructed in the art of making paper. But in order that the rags might be fully available, it was necessary to suppress the custom of using fine rags for wicks to candles; and it was therefore agreed that cotton wicks should be substituted, which, though dearer, gave a much better light. The Privy Council acceded to their request, and prohibited the candlemakers from using clouts and rags for the wicks of candles.[115]

Mr. Dupin, who was connected with paper works in England and in Ireland, proposed to establish one in Scotland in 1693. In that year, he and his partners applied to the Privy Council for permission to erect and carry on a paper work; and stated that he had attained "to the art of making all kinds of paper moulds as good, or better than any made beyond seas, and at a far cheaper rate, inasmuch that one man can make and finish more moulds in one week than any workman of other nations finish in two months' time. Moreover, whereas large timber is scarce in this kingdom, I and my men have arts to make the greatest mortar and vessel for making up of paper without timber; and we have also provided several ingenious outlandish workmen to work and to teach their art in this kingdom." The Council granted them liberty to erect paper mills in Scotland, "without hindering any other persons who were already set up." They also received permission to put the national arms upon the paper

[115] *Register of the Privy Council.* Chambers gives it as his opinion, that this paper mill was not continued, and that paper-making was not successfully established in Scotland till the middle of the eighteenth ceetury. *Domestic Annals of Scotland,* Vol. II., p. 395.

produced at their mills. In 1695, Parliament sanctioned this enterprise as a joint-stock company, and ordered that a charter of incorporation should be granted to them for their security and encouragement, under the name of "The Scots White Paper Manufactory," "for the making of all kinds of writing and printing white paper, throughout this kingdom," with all the privileges usually accorded by Acts of Parliament for encouraging manufactories. In 1697, the work was going on and producing "good white paper, and only needing a little more encouragement to be an advantage to the whole kingdom." Upon the petition of the papermakers, the Privy Council again commanded that the candlemakers should not use rags for making wicks.[116]

The beginning of a smaller and less necessary branch of industry has to be noticed, though subsequently it was developed into a great trade in the chief city of the west of Scotland, and brought fortunes and wealth to many individuals. Tobacco was first brought into Britain in the latter half of the sixteenth century. The antipathy of James VI. to tobacco is well known, and he forbade its importation into Scotland; but his decree was much evaded, and it soon became an article of common merchandise in the country. A duty of one shilling and eightpence sterling was then imposed on it, but this only led to smuggling to evade the tax; and in 1622, the Council passed an Act prohibiting the importation of tobacco, under the penalty of confiscation. The same year, however, the Council passed an Act explaining that the King did not mean to deprive his subjects of the orderly sale and moderate use of tobacco, but only to prevent the abuse and excessive use of it; and a proclamation was emitted, intimating that the prohibition to import it only applied to those who did not hold a licence. In 1634, another attempt was made to put the sale of tobacco under a wholesome restriction. Two men were appointed to sell licences to retailers of tobacco, and to account to the royal revenue for the proceeds as might be arranged between

[116] *Register of the Privy Council; Acts Parl. Scot.*, Vol. IX., p. 429. Touching the paper company, the Act of Parliament stated :—"It being found that the water and air in several parts of the kingdom are very fit, and may contribute much to the success of such work . . . and that the several attempts that have hitherto been made for rendering such work effective may have failed because such an undertaking could not be otherwise managed than by a society and incorporation, and required a general joint-stock to set up and carry on the same."

the parties, but this arrangement could hardly be carried out. In 1671, Sir John Nicolson of Nicolson was allowed by the government to impose a tax upon tobacco; but in 1673, it was stated in an Act of Parliament, that the tax was injuring the trade of tobacco, and therefore Sir John's privilege was terminated, and tobacco was to be henceforth free of any duty, except the ordinary custom and excise. In accord with the prevailing commercial ideas of the time, in 1661, a tax was imposed on all tobacco pipes imported into the kingdom. The Act on the tobacco pipes contained the following:—"It being represented to his Majesty that tobacco pipes can be made and sold at home at a far easier rate than they can when brought from abroad: therefore, to keep money at home, and give tradesmen work, and for the encouragement and good of all who are skilful in making of tobacco pipes, his Majesty does impose upon the gross of all tobacco pipes imported, eight shillings Scots . . . and does prohibit any merchant, importer, or maker of pipes, to charge more than eighteen shillings Scots for the gross of any pipes, whether they be made within or without the country."[117]

In 1674, Andrew M'Kairter presented a petition to the Privy Council, stating that when the insurrection of 1666 broke out, being then a youth at school, he joined the insurgents; and after the suppression of the rising, "out of a childish fear he did run away to Newcastle:" and having there, in London, and in Holland, served a long apprenticeship in spinning tobacco, and having now returned to his native land, he had set up this trade at Leith. He now desired to make his peace with the government, by signing the bond required by the law; and the Council granted his request, and he became one of the earliest tobacco spinners in Leith.

The state of the coinage often engaged the attention of parliament and the Privy Council in the seventeenth century, and for this period the records of it are pretty complete. But no radical change occurred in the coinage till the introduction of banking at the end of the century, and only points of general interest demand notice.

In November, 1604, the government ordered gold to be coined of the fineness of twenty-two carats, and the silver of eleven deniers. Five kinds of gold coins were to be struck—the unit or twelve pounds Scots piece, the double crown or six pounds Scots piece, the

[117] *Register of the Privy Council; Acts Parl. Scot.*, Vol. VII., p. 65; Vol. VIII., p. 212.

Britain crown or three pounds Scots piece, the thistle crown, forty-eight shillings Scots, and the half-crown, thirty shillings Scots. Out of every 20lb. of gold coined, one pound at least was to be issued in the smaller gold pieces, and the types of the coins are minutely described in the records. The silver coinage was to be issued in seven pieces—the crown or three pounds Scots, half-crown, shilling, sixpence, twopence, penny, and half-penny pieces. This series of coins, which were minted between the beginning of the year 1605 and 1610, were exactly the same both in England and in Scotland, except the mint-mark and the difference in workmanship; and they were authorised to pass current throughout Great Britain.[118]

By a proclamation in November, 1611, all the gold coins were raised about one-tenth in value, and all the former acts against exporting coin were renewed. The Privy Council ordered that a table of the prices for gold of every standard should be prepared and placed in some public part of the coining-house. Foreign money was only to be received as bullion; and in December the same year, the Council prohibited the circulation of foreign coin, and ordered it to be brought to the mint, where it would be paid for at the settled rates.

The want of small money was still felt in Scotland, and in 1614, a new coinage of copper was authorised. Four hundred stone weight of copper was directed to be coined into twopenny and penny pieces. The same year the Council renewed all the former acts for bringing in bullion, and especially an act of the reign of James IV. In 1619, the circulation of all foreign coins was again prohibited, and they were ordered to be brought to the mint, and paid for as bullion at the rate of £39 3s. 5d. for every ounce of twenty-two carat gold, and £2 18s. 10½d. for every ounce of fine silver. It was again declared illegal to export any coin.

In 1623, a new coinage of copper was ordered. Five hundred stone weight of copper was to be minted in twopenny and penny pieces. The acts against exporting money were re-enacted in 1625, and at

[118] R. W. Cochran Patrick, *Records of the Coinage of Scotland*, Vol. I., pp. 164, 165, Introd.; Lindsay's *View of the Coinage of Scotland*, Supp., p. 60. In July, 1604, Alexander Reid, a cutler in Edinburgh, was tried for false coining. It seems that he was employed in the mint, and had got hold of some false blanks, which he stamped with the true dies of the merk piece; and for this crime he was hanged. Birrel's *Diary;* Pitcairn's *Criminal Trials*, Vol. II., p. 399.

the same time, commissioners were appointed to consider the best means of raising the value of the money. They held several meetings, but in June, 1627, it was resolved not to raise the course of the money, or restrain the course of foreign dollars, till a more fitting opportunity. In April, 1629, another copper coinage was authorised, similar to that of 1623. From this time to 1636, various proposals and changes concerning the coinage were presented and discussed among the public bodies of the kingdom, relating chiefly to the currency of foreign coins, but they were not of sufficient importance to justify entering into details. A new copper coinage was issued in 1632, consisting of one thousand five hundred stone weight of copper, in pieces the same as the preceding ones ; and in 1634, another of the same quantity of copper.[119]

The use of a mill was introduced in minting the silver coinage in 1637 ; the former method of coining by the hammer had continued for a long time in Scotland. In January, 1637, the Council gave permission to Briot, the master coiner, to make a trial of his mill and press till the Whitsunday following, and this was extended from time to time, till the use of the hammer in coining was tacitly and finally relinquished.

"The method of coining by the mill and press was more efficient and quicker than by the hammer.[120] The metal having been prepared

[119] *Records of the Coinage of Scotland*, Cochran Patrick, Vol. I., Introd., pp. 166-169, 235-237, 241 ; Vol. II., pp. 3, 11, 13, 18, 21, 23, 32-37, 75, 80-102, 108, 116.

[120] "In the Scottish Mint, as everywhere else, money was first struck with the hammer. The method of proceeding was as follows :—The gold and silver having been brought to the required standard, was put into heated crucibles of earth, shaped like inverted cones, and placed in a furnace. These furnaces were of two kinds, differing in their construction—the one generally used for gold, and the other for silver. Whenever the metal was melted throughout, it was run into moulds and cast into bars. These bars were again re-heated, and afterwards lengthened by beating on an anvil. They were then cut into pieces about the thickness of the coins required, and adjusted to the proper weight by cutting with shears. The pieces were then taken up together with pincers, and while held tightly on an anvil, beaten with a hammer all round, to blunt and soften down the marks left by the shears on the edges. The pieces thus prepared were known as the flangs, and were now ready for bleaching. This was done by again beating them, shaking them in a copper sieve, and afterwards throwing them into boiling water mixed with common salt and the ashes of the burnt lees of wine, in which they were boiled till quite bright, and then again thrown on the copper sieve and dried with rubbers.

in much the same way as formerly, the flang was placed between the puncheons, the bar of the press turned, and the impression given at once. . . . The irons were prepared by the graver of the Mint, who engraved the portrait of the sovereign in relief, and from this the dies for striking the money were struck. The dies from which the reverses and the legends were struck were also furnished by the chief graver." [121]

There were many complaints as to the scarcity of money, and at length it seems that inconvenient evils had arisen from the large quantity of small copper coins in circulation. The state of the copper money engaged the attention of parliament in 1639 and 1641, and its importation was prohibited under the penalty of death. In

"After this the flangs were distributed to the moneiers to have the impression put on them. Each moneier had two irons or puncheons, one of which was called the 'pile,' and the other the 'trussel.' The pile was from seven to eight inches long, and was firmly fixed in a block of wood. On the pile was engraved one side of the coin, and on the trussel the other. The flang being placed on the pile, the trussel was applied to the upper side of it by means of a twister wand, or by the hand, and the moneier then struck the end of the puncheon with a hammer until the impression was produced on the flang.

"The legend was put on by means of small puncheons bearing the necessary letters. The coining irons and the 'letters of graving' were always destroyed or defaced when the type of the coinage was changed, and when in use were placed in the custody of the warden, one of the responsible officials of the Mint."—*Records of the Coinage of Scotland*, Cochran Patrick, Introd., pp. 48-50.

[121] *Records of the Coinage of Scotland*, Cochran Patrick, Introd., p. 52. In 1649, there is a minute inventory of the machinery, the tools, and the furnishings, then in the Scottish Mint. Out of many things enumerated we may notice that there were "a great iron mill, a justing mill with four wheels, and a complete hand mill, three complete spring presses, and two furnaces with their iron work."

"A further improvement was made in the fabrication of the money by the introduction on the coinage of 'James VII.,' of marking the edges either with lettering or milling, This was done by a machine which was originally the invention of M. Casting of the Mint of Paris. . . . A thin piece of steel was firmly screwed upon a flat plate of copper fixed in a stout wooden frame. This steel bore on one edge half of the legend or marking. Another piece of steel, having on its edge the remainder of the legend or marking, fixed on the copper plate, so that the flang, being placed between them, was touched on each side by the marked edges of the steel bands. This second steel was moved by a mechanical arrangement of a wheel and handle, and the revolving flang received at once the milling or inscription."—*Records of the Coinage of Scotland*, Cochran Patrick, Vol. I., Introd., p. 55.

1642, the Council specified the foreign coins which should be current, and fixed the rex dollar of 15 drops at fifty-four shillings. But in 1645, parliament raised the value of the money, and fixed the rex dollar at fifty-eight shillings.[122]

In December, 1660, Charles Maitland, of Halton, was appointed general of the Mint; and on the 12th of June, 1661, parliament adopted a revised and exhaustive scale for collecting bullion. An alphabet or table stating the exact quantities of bullion to be imposed on all kinds of goods, and payable to the Mint, by all merchants and parties who exported these goods, was ordered by parliament to be printed and published, and to be in force from the date of its publication. This mode of collecting bullion had for long been in operation in Scotland, but it had never before been so completely systematised and extended. As this alphabet of charges is highly interesting from a commercial point of view, as well as in relation to the Mint, I shall go over a few of the articles under each letter, noting the quantity of goods of different kinds. For each barrel of whisky containing ten gallons, there were enacted two ounces of silver; every two bolls of apples, two ounces; each tun of drinking beer, four ounces; every four chalders of coal, two ounces; each gross of drinking-glasses, one ounce; every five thousand red herring, two ounces; every three hundred hart horns, two ounces; every two thousand oxen horns, two ounces; every five thousand sheep horns, two ounces; every twenty planks, two ounces; every four bolls and a half of malt, two ounces; each gross of night-caps, one ounce; each dozen of masts of all kinds, two ounce; every three oxen, two ounces; every twenty thousand oysters, one ounce; every forty reams of paper, two ounces; every hundred yards of plaiding, two ounces; every three barrels of salmon, two ounces; every twenty sheep, two ounces; and every six stones of wool, two ounces. Under the head of skins, there is a pretty large number of kinds mentioned. Altogether the alphabet of bullion occupies three double-column pages of a large volume of the Scots Acts.[123]

[122] *Acts Parl. Scot.*, Vol. V., pp. 260, 261, 283, 284, 450; Vol. VI., p. 197. In the end of the year 1652, a committee of the English Parliament met with deputies from Scotland to confer touching the coinage, but nothing of much importance was done. The Scotch deputies complained of the great scarcity of money in the country, and it was proposed to issue £5000 worth of bodles for Scotland, but the English Council thought nothing was required.—*Records of the Coinage of Scotland*, Cochran Patrick, Vol. II., pp. 133-135.

[123] *Acts Parl. Scot.*, Vol. VII., pp. 250-254.

A copper coinage was authorised by parliament on the 12th of June, 1661, consisting of three thousand stones of copper. It was directed to be coined into pieces called turners, each weighing one drop and a half, allowing four grains more or less for remedy. Two thousand stones were to be coined within three years, and the remainder when the Privy Council thought fit. After the issue of this coinage, the Council was enjoined not only to prohibit the importation of foreign copper coin, but also its circulation. A stock of twenty thousand merks Scots was to be provided for the Mint; and any gold or silver found in Scotland was to be taken to the coining-house, and paid for at the rate of one ounce of coined gold of 22 carat for the ounce of bullion of 24 carat; and similarly, the ounce of silver of 12 denier was to be paid by an ounce of minted silver coin. A coinage of silver was also authorised, consisting of a four merk piece, two merk piece, one merk piece, a half merk piece, and a piece of the value of forty pennies—all Scots money. The Privy Council was empowered to fix the type and legends of these coins.[124] There were other coinages of this reign, but none of them call for special remark.

During this period, however, the Mint, like every other branch of the government in Scotland, had fallen into a deplorable state. From various papers still preserved, it appears that the standard of the money had been depreciated, that more copper had been coined than was warranted, that some of the officials of the Mint had appropriated to themselves money to which they had no right, and that the salaries of some of the officers had been drawn though their posts had been vacant for years. In 1862, a commission investigated the matter, and disclosed the above state of affairs. The heads of the Mint, Lord Halton, Sir John Falconer, Alexander Maitland, and Archibald Falconer, were removed from their posts and from all places of public trust, and the Lord-Advocate ordered to prosecute them.[125]

Parliament passed a long act concerning the coinage in 1686. To encourage the importation of bullion, it was enacted that in future anyone bringing to the Mint bullion of the standard fineness should receive for it from the officers of the Mint the same weight in current coin of the realm, without any charge for coining. For doing this, and

[124] *Acts Parl. Scot.*, Vol. VII., pp. 233, 254-255.

[125] *Records of the Coinage of Scotland*, Cochran Patrick, Vol. II., pp. 182, 199, 171-172.

for defraying the expenses of the Mint, certain taxes were to be imposed upon various imported goods and articles. A clerk was to be appointed, who should keep a record on parchment books of the quantities of bullion given in by the merchants, "which record shall be open for the inspection of anyone who requires the same, under the penalty of deprivation;" he had also to keep an accurate record of the amount of money coined, "that it may be known what quantities of silver have passed his Majesty's irons from time to time." The act fixed the salaries of the officials and officers of the Mint, and a sum of £1100 was allowed for maintaining the fabric of the establishment, and providing new tools and incidental charges.

The kinds of current silver coins were stated to be the sixty, forty, twenty, ten, and five shillings Scots pieces; and the weight of each was minutely stated. It was expressly required by the act that the sixty and forty shilling pieces should be lettered round the edges, and the edges of the other three pieces grained. The Privy Council were empowered to cognise and consider the gold coins, and to regulate and determine the fineness and the weight, and the type of the coins, when the King should think fit to grant a warrant for a gold coinage; no copper was to be coined without the King's express warrant, and when it was issued it was to be in sixpenny and twopenny pieces.[126]

In 1690, the government of Scotland received a warrant from the King authorising the coining of the current pieces of silver, and ordering that the provisions of the act of 1686 should be put into operation. The same year, parliament sanctioned a copper coinage, not exceeding three thousand stones, and to be spread over six years. In 1693, a change in the rate of money was proposed, and accepted by the King, and a general rise of about ten per cent. was proclaimed on the money then current. But the next year, the Scots silver pieces of sixty, forty, twenty, ten, and five shillings, were reduced to the values which were current in 1686. On the 10th of December, 1695, sixty stones of silver were ordered to be coined and issued in forty shilling pieces, and one hundred and twenty stones in twenty, ten, and five shilling pieces.[127]

On the 6th of October, 1696, parliament passed an act authorising

[126] *Acts Parl. Scot.*, VIII., pp. 603-608.

[127] *Acts Parl. Scot.*, Vol. IX.; *Records of the Coinage of Scotland*, Cochran Patrick, Vol. II., p. 253.

a copper coinage, not exceeding three thousand stones in the space of six years, of which two parts were to be coined in twopenny pieces, and a third in sixpenny pieces. At the same time an act was passed against false coiners. At the end of the seventeenth and the beginning of the eighteenth centuries, counterfeit coining had become a common crime. In 1704, a batch of false coiners was discovered, and the authorities proceeded vigorously to prosecute them.[128]

By a proclamation emitted in May, 1697, the importation of foreign copper coin or base money was prohibited, under a penalty of ten pounds; but in December another proclamation legalised the currency of the French three-sous piece at three shillings Scots, and the French crown at fifty-eight shillings Scots, and raised the forty-pence piece to three shillings and sixpence Scots.

At the Union it was agreed that the coin should be of the same standard and value throughout the United Kingdom. Accordingly, in 1707, arrangements were made for changing the Scotch coinage into English; and all the English, Scotch, and the foreign money was called in and reminted, and reissued as the coinage of Great Britain. In April, 1708, the Scottish coins were finally called in, and preparations made for carrying out the recoinage exactly on the methods of the English Mint.[129] Thus one of the beneficial results of the Union was soon obtained; since, commercially, the great advantage and the convenience of having one coinage, and only one standard of money for the whole Island, is too obvious to need illustration.

The establishment of a bank in Scotland was a sign of the growing commercial spirit of the nation, which was manifesting itself in various directions. In Scotland, as in England, till towards the close of the seventeenth century, exchanges and other monetary transactions had been wholly in the hands of a few leading merchants; as in the back-room of a clothier in the High Street of Edinburgh, or

[128] *Acts Parl. Scot.*, Vol. X., p. 12, App., pp. 53, 55, 79.

[129] *Register of the Privy Council; Records of the Coinage of Scotland*, Cochran Patrick, Vol. II., pp. 271-272. Mr. Cochran Patrick's *Records of the Coinage of Scotland*, often referred to in the preceding pages, was published in 1876, and is a very valuable work. The introduction to the records and the documents relating to the coinage, and to the mints of Scotland, is all that could be desired; while the method of arranging the records for easy consulting and reference is admirable. Altogether the work is a monument of research and industry.

the counting-room in the Saltmarket of Glasgow.[130] The scheme of the first Scotch bank, as drawn in an act of parliament in 1695, was limited and prudential in a high degree, and founded upon the joint-stock principle. It was to begin with a subscribed capital of £1,200,000 Scots, or £100,000 sterling, in shares of one thousand pounds Scots, of which no one was to have more than twenty; two-thirds of the capital was to be subscribed by persons residing in Scotland, and one-third by individuals in England or elsewhere. The company was to be placed under the direction of a governor, a deputy-governor, and twenty-four directors, who were to have the sole management of the bank. At the beginning it was thought best that twelve of the directors should be Englishmen, as it was assumed that they were better acquainted with the business of banking than the Scots. The names of the original proprietors of the bank are preserved in the act of parliament which sanctioned its establishment; and among them were Mr. Holland, and six London merchants, and six Edinburgh merchants. Mr. Holland came down to Edinburgh and resided there for some time, superintending the proceedings of the bank; and he found that the Scots were rather ignorant about banking matters. But the bank prospered, and in a few months after it was opened, it had attained a wonderful degree of credit. Shortly after the bank was fairly put in operation, by the common consent of the company, the whole of the directors were elected by the Scotch shareholders, the English ones being left to act as trustees, and to manage what business the bank might have in London. At length, when there were no longer thirteen proprietors of the bank in England, this arrangement also was relinquished.[131]

At first the chief business of the bank consisted in lending money on heritable bonds and other securities. The giving of bills of exchange was next tried, with the object of extending the advantages of the bank as much as possible; and with the same aim, to carry the circulation of their notes throughout the country, branch-offices were opened in Glasgow, Montrose, Dundee,

[130] The dates at which banks were established in the countries of Europe are as follows:—In Venice, 1157; in Geneva, 1345; in Barcelona, 1401; in Genoa, 1407; in Amsterdam, 1407; in Hamburg, 1619; in Rotterdam, 1635; in Stockholm, 1688; in England, 1694; in Copenhagen, 1736; in Berlin, 1764; in St. Petersburg, 1786.

[131] *Acts Parl. Scot.*, Vol. IX., pp. 494-497; *Account of the Bank of Scotland*, 1728.

and Aberdeen, for receiving money and paying money in the form of inland exchange, by notes and bills prepared for the purpose. But after a trial of this branch business, the directors came to the conclusion "that the exchange trade was not proper for a banking company; a bank, they thought, should be chiefly designed as a common repository of the nation's cash, a ready fund for affording credit and loans, and for making receipts and payments of money easy, by the company's notes. To deal in exchange interfered with the trade and the business of private merchants, and the Bank of Scotland had found it very troublesome, unsafe, and improper." After a short trial, it was also found that the bank could not continue the four branch-offices, except at a loss far exceeding any advantage which could be derived from them; and after spending a considerable sum on these branches, the directors felt obliged to relinquish them, and recall their money to Edinburgh. For many years the business of the bank was entirely limited to lending money.[132]

Touching the paper currency then introduced, the Bank of Scotland issued from the first, five, ten, twenty, fifty, and hundred pound notes. It was not till the year 1699 that the bank began to issue one pound notes, which have ever since been a special and an important feature of Scottish banking, and of the circulating medium of the country. These twenty shilling notes soon got into circulation in Edinburgh, and in some other parts of the kingdom, but some time elapsed before they obtained a ready and general currency in the markets of the country, for among the common people of that day nothing answered so well as silver money: gold was then little used among them.[133] The one pound notes, however, it is well known, became and have long continued great favourites among the Scots; indeed, they have as much confidence in the paper notes of the old banks as they have in gold or in silver money.

Having presented the foregoing details of the rise of the industrial arts, and noted the difficulties in the way of their progress, and indicated that there was a growing spirit in the nation towards trade and commercial enterprise, it seems requisite to adduce further evidence of the strength and generality of this spirit, which was vigorously struggling to find new means of outlet. Thus the consecutive and rapid progress of industry, trade, and commerce which subsequently

[132] *Account of the Bank of Scotland*, p. 6. [133] *Ibid.*

ensued in Scotland will be better appreciated and easier understood, when it has been shown to flow from a natural succession of causes. Let us, therefore, briefly notice some of the numerous projects and trade adventures which were originated or proposed in the closing years of the seventeenth century, and the opening years of the eighteenth.

A sugar work was erected in Glasgow in 1667, and a second in 1683—the only ones in the kingdom. In 1696, parliament passed an act authorising Hugh and James Montgomery, merchants in Glasgow, and others whom they might assume, to form a company and erect a sugar work at Glasgow. They were granted all the privileges accorded to manufactories for a period of nineteen years, under the name of "The New Sugar Manufactory at Glasgow." William Corse, a merchant in Glasgow, in 1700, proposed to establish a similar work, and petitioned Parliament for the same privileges as the other sugar works. In 1701, Matthew and Daniel Campbell, merchants in Glasgow, proposed to erect another sugar work; and in connection with it, a work for distilling brandy and other kinds of spirits from malt produced within the kingdom. They undertook to produce as good liquor "as any that is imported from France;" and, besides, a distillery, they said, could not fail "to be exceedingly profitable both for the consumption of malt, a native product, and for the convenience of the country, and especially for foreign trade on the coasts of Guinea and America, seeing that no trade can be managed to these places or to the East Indies without great quantities of such liquors." [134]

In 1695, parliament passed many acts for the encouragement and authorisation of trade enterprises. Patrick Houston and his partners were granted the privileges of a manufactory for a rope-work in Glasgow. This company was founded upon a stock of forty thousand pounds Scots, and they proposed to introduce foreign workmen to instruct the natives. A company, chiefly composed of Glasgow merchants, with Dunlop, the Principal of the University, was formed in 1699, for carrying on the woollen manufacture there. They proposed to produce all kinds of woollen goods, damasks, half-silks, tartans, crapes, russets, and other stuffs for apparel either for summer or winter. The following year, William Marshall, William Gray,

[134] *Acts Parl. Scot.*, Vol. X., p. 66, pp. 52, 67, App.; *Register of the Privy Council.*

and two other merchants of Glasgow, proposed to erect a work for making pins and needles, boxes, shears, scythes, knives, and other kinds of hardware ; and the Privy Council granted them the privileges of a manufactory. The same year, James and William Walkinshaw, and other merchants in Glasgow, proposed to erect a manufactory for cordage, canvas, and other requisites for shipping, and petitioned Parliament for the usual privileges.[135]

In 1695, the Estates passed an Act in favour of William Scot and his partners, for erecting a sawmill at Leith. It was stated that such a mill established at so convenient a port would be a great advantage to the nation, because there oak trees and all kinds of wood might be landed from abroad, for building ships and other great works in the kingdom, which before could not be done for want of skill in sawing wood. Another act authorised the erection of windmills for sawing all kinds of wood. Alexander Fearn, an engraver in Edinburgh, was granted the privileges of a manufactory for the practice of his art. It was stated that he had employed himself from his infancy in learning his art, "until by the blessing of God on his faithful endeavours, he has attained to such perfection in this art, once much admired and encouraged, that he can undertake to serve the people in that point of the art called sinking of seals in gold, silver, or steel, either cutting coats of arms, ciphering names, or other devices such as parties may order him to perform for them ; and particularly that point of the art which is yet more singular—cutting or sinking the exact effigies of any person who pleases to sit three hours ; and thus the people may be served with this kind of work as good, and as cheap, and much easier than when they were obliged to employ foreigners ; and all the money that used to be spent on that account may be kept in the country." In 1693, parliament passed an act in favour of William Scot, cabinetmaker, who proposed to build a manufactory for making coaches, chariots, harness, and other things belonging to that business, and also for grinding glasses of all kinds. He promised to bring home and employ foreign workmen, until the Scots themselves were instructed and capable of working at this trade. On these terms the usual privileges of a manufactory were granted to him. In 1695, parliament confirmed two former acts of the Privy Council, in favour of James Turner, a cabinetmaker

[135] *Acts Parl. Scot.*, Vol. IX. ; Vol. X., pp. 146, 154, 231 ; *Register of the Privy Council.*

and mirror-glass maker. The wrights of Edinburgh thought that Turner was encroaching upon their trade, and seized his tools and materials, and otherwise annoyed him; and Parliament therefore commanded that James Turner "should have the full and free liberty to exercise his calling and his art and trade within the burgh of Edinburgh in all time coming;" and forbade the deacons of crafts or their officers, or anyone else, to interfere with him and his work.[136] At the same time parliament passed an act in favour of John Holmes, Thomas Fershman, and William Park, combmakers in Leith. They, having formed a joint-stock company, were empowered to make all kinds of combs, and accorded the privileges of a manufactory. It was stated in the act that they had been practising this trade for several years, and successfully teaching apprentices; and that they were even then able to supply the whole kingdom with combs, at a cheaper rate than they could be imported.

James Lyell, of Garden, in 1695, obtained the privileges of a manufactory to make oil from lint seed and rape seed; and also for an establishment for preparing hare and rabbit skins and making hats. The same year, liberty was granted to erect a manufactory for making gun-powder and alum, and it was stated that there was no powder-mill in the kingdom, and that there had never been a work for making alum in Scotland. In 1698, a company was formed for casting shot, which obtained the usual privileges of a manufactory for nineteen years.

In 1697, James Ormiston and William Elliot, merchants, proposed to erect a work for winding, throwing, twisting, and dyeing all kinds of raw silk. They thought that the undertaking would prove to be beneficial to the nation, as this branch being the groundwork for all other silk manufactures would diminish the foreign import, and make the balance of trade much more favourable: "and also in time be the means of opening a trade directly from Scotland to Turkey, which is one of the most profitable and enriching known, and further tends to advance other manufactories which are dependent on it, such as buttons, silk stockings, and the like." The Privy Council granted the usual privileges. In 1698, a number of men in Aberdeen petitioned the Privy Council for permission to erect a woollen manufactory, which was also granted. A cloth manufactory was in full operation at Gordon's Mills, in the vicinity of Aberdeen, in

[136] *Acts Parl. Scot.*, Vol. IX., pp. 490-491, 321, 523.

1703, and it was recorded that it was producing broadcloths, druggets, and goods of other kinds, such as half-silks, serges, damasks, and plush made of wool, "which looks nearly as fine as that made of hair."[137]

In these years also it is very remarkable that almost every seaport of any consequence in Scotland applied to parliament for permission to impose a tax for the purpose of building new harbours or improving the ones which they already possessed. At the same time the weekly, quarterly, half-yearly, and yearly markets, greatly increased all over the kingdom. Thus it is pretty evident that the energy which projected the colony of Caledonia-Darien was only a symptom of the awakening spirit of the nation, which was seeking vent in trading pursuits and in new commercial enterprises.

At the same period various notices of inventions for draining mines and other purposes occur in the records. In 1684, James Young, a writer in Edinburgh, represented to the Privy Council that after much labour and expense he had completed an engine for writing "whereby five copies can be had at once," and he requested an exclusive right of making it, and the Council granted this for nine years. The next year he came before the Council as the inventor of a new lock, which was minutely described in the record, and an exclusive privilege of making it was also granted for fifteen years. In 1696, Young again appeared before the Council and stated that he had invented and perfected "an engine for weaving, never before practised in any nation, whereby several kinds of cloths may be manufactured without manual operation or weaving looms." He affirmed that he had actually made cloth with his engine, and he believed that it would prove highly useful, especially for the "trade to Africa and the Indies; and therefore he petitioned the Council for the privileges of a manufactory, and for a patent," and the Council granted to him an exclusive use of his engine for thirteen years.[138]

Nicolas Dupin, already mentioned as a paper manufacturer, came before the Privy Council in 1695, asking a patent for a new invention for draining water out of coal pits. He stated, "that in twenty fathoms deep we can raise in two minutes' time a ton of water, provided the pit or shaft will admit of two such casks

[137] *Register of the Privy Council; Acts Parl. Scot.*, Vol. IX., pp. 419-420; Vol. X., pp. 22-23, App.

[138] *Register of the Privy Council.*

to pass one another. . . . The machine was calculated to be useful for all kinds of corn mills, where water was scarce or frozen, for we can grind by one man's hand as much as any watermill does. It was adapted for draining lakes or for bringing water to any place where it was wanted, and for clearing of harbour mouths from great rocks or sand." He had also a smaller engine, with economised power for lighter work, "as mincing of tallow for candles, a very exact way of cutting tobacco, for cutting tanners' bark, and similar sorts of work, without the assistance of either wind or water." It was stated that several gentlemen were ready to contract with the inventor for the draining of some flooded coal-pits. The Council granted him a patent for eleven years.[139]

Scotland as yet had not many great ships [140] or much commerce, but it was manifest that the mind of the nation was turning more and more to secular and commercial pursuits than it had formerly been; and all that was wanted for the rapid development of industry and commercial enterprise was a field for the energy of the people. But, while Scotland was forced to continue in an antagonistic attitude to England this could not be obtained; and the difficulty was how to change the relations of the two kingdoms, and to place both upon a footing of equality and commercial freedom. The Union at length solved the difficulty; and, as already stated, it has proved an immense advantage to the progress of civilisation in Scotland, while it has contributed to the power and to the glory of the British Empire.

In concluding this exposition of the social state of the nation, let me briefly recapitulate some of the leading points. Commencing with the administration of justice and the powers of the executive, I proceeded to show the state of crime, the condition of the poor, and the means employed for their relief, and touched on the laws for suppressing and reforming the vagrant and idle classes. The ideas and the beliefs prevailing among the people, and the causes of their persistence, were indicated; and the social morality of the nation,

[139] *Ibid.* Occasionally a foolish proposal occurs in the records. For instance, Robert Logan, a cabinetmaker, asserted that he could make kettles and caldrons of wood which could "abide the strongest fire, while boiling any liquor put into them, as well as any vessel made of brass, copper, or any other metal," with the advantage of being more durable, and only a third of the price. The Council granted him the exclusive right of making such articles for nineteen years.

[140] See under p. 303.

the relations of the people and the clergy, the observance of Sunday and religious services, drinking habits, the relations of the different sexes, sumptuary regulations, and the sanitary condition of the kingdom, were explained at some length. Having noticed the state of the roads, and the introduction of postal communication, the shipping of the kingdom, and indicated the state of agriculture, I then traced the rise and slow progress of industry and manufactories, noting some of the obstacles which impeded their development in Scotland; the coinage, and the introduction of banking; and especially remarked that more energy began to be thrown into trading and commercial matters towards the end of the century. When all the distracting influences springing out of civil and religious war, and other adverse circumstances which the nation had to face, are taken into account, it is surprising that the people entered so soon upon the remarkable career of industry and rapid commercial progress which have characterised the succeeding centuries; and which, along with the rise and the diffusion of science, of invention, of literature, of philosophy, and art, constitute an era of true glory in the history of Scotland. Here, therefore, I may repeat, that there is hardly anything, hardly any difficulties, which will not yield "to the persistent energy of man."[141] The intellectual and moral impetus of the Reformation continued till new influences came, and then one by one the links of tradition and the shackles of authority became weaker and weaker; a philosophy of surpassing vigour and boldness arose, far-reaching in its results, shaking the foundations of the received principles of belief and the current theories of knowledge to their core, thus inaugurating a new point of departure for the human mind. To elucidate the historical antecedents of this philosophy will be the special aim of the concluding chapter of this volume; and ultimately the whole movement of European thought will open before us with amazing clearness.

[141] Mackintosh's *History of Civilisation in Scotland*, Vol. I., p. 17.

CHAPTER XXXI.

Ballad, and Jacobite Literature of Scotland.

WHEN attempting to reach an exhaustive explanation of the causes and influences which have contributed to the development of the mind and character of a nation, everything which has affected their civilisation, and especially whatever has been mainly produced by the people themselves, demands the careful attention of the historian. It is admitted on all hands that the ballad literature and national songs of Scotland are of this character. For centuries these compositions have exercised an influence on the feelings and sentiments of the people. The songs associated with the national music, and with the popular tunes and dances, are essential elements of the national life, and have long been a source of real enjoyment to the people. But the field of Scottish ballad and song is wide and varied, and cannot be treated in minute detail here, my aim being to ascertain and indicate the bearing of this class of writings on the life of the nation. And yet if one must try as far as possible to escape the error of forming imperfect and unjust estimates of the national character, it is necessary to look at this branch of literature, as it contains real evidence of the states of feeling, of the opinions, and of the manners of the people.

Some account of the origin, the progress, and the value of our ballad literature was given in the eleventh chapter of this work, and its influence upon the Reformation was noticed in the thirteenth and in the twenty-first chapters;[1] in the present chapter the exposition is continued till past the midde of the eighteenth century, and thus includes the Jacobite ballads as well as compositions of a satirical turn, and the popular songs of the people, beginning with those of a historical and satirical description, and closing with the popular or lyric songs.

The disturbed state of the nation from the death of James VI. to

[1] Mackintosh's *History of Civilisation in Scotland*, Vol. I., pp. 441-451, *seq.*; Vol. II., pp. 22-24, 331-340, *et seq.*

the Union, was unpropitious to literary culture of any kind. Yet the opinions and the sentiments of the contending parties occasionally sought vent in rude ballads and rhymed compositions. There are ballads on the Covenanting armies and battles, and on some of the events of the long struggle from the Restoration to the Revolution, after which the distinctive Scotch Jacobite ballads and satires begin. The greater part of the Jacobite ballads are rather rude and coarse in phraseology, but they gave expression to the feelings and sentiments of one of the parties in the struggle; indeed, the Jacobite ballads and songs embodied a kind of creed of the party, and, historically, they are valuable.

It was reported that Argyle was the first who raised fire in the Civil War, by burning the house of Airlie, in June, 1639, thus originating the ballad "The Bonnie House of Airlie." It was long popular, and there are several versions of it extant. Argyle being intent on the destruction of the house, was represented as working with his own hands in "knocking down the doorposts and the headstone of Airlie." The ballad opens thus :—

"It fell on a day, and a bonnie summer day,
When the corn grew green and yellow,
That there fell out a great dispute
Between Argyle and Airlie.
The Earl o' Montrose has written to Argyle,
To come in the morning early,
An' lead his men by the back o' Dunkeld,
To plunder the bonnie house o' Airlie.
The lady looked o'er her window sae hie,
And oh, but she looked weary,
And there she espied the great Argyle,
Come to plunder the bonnie house o' Airlie.
'Come down, come down, Lady Margaret,' he says,
'Come down and kiss me fairly,
Or before the morning clear day-light,
I'll not leave a standing stane in Airlie.'" [2]

The lady replied that she would not submit, even though he should carry out his threat.

[2] Another version contains a pointed reference to a blemish in Argyle's eyes, and has two additional verses. It is conjectured by Maidment "that the grim chief of the Campbells had been a rejected suitor, and that the lady treated by him in so base a manner preferred the Loyalist lover of Airlie to the Covenanting lord of Lochow."—Maidment's *Scottish Ballads*, Vol I., pp. 272-274.

The short satirical ballad, called "Leslie's March to Long-Marston Moor," is curious, and contains a few hits at the prevailing feeling of the Covenanters:—

"Stand till it, and fight like men,
True gospel to maintain;
The parliament's blyth to see us a' coming.
When to the Kirk we come,
We'll purge it each room
From popish relics and a' such innovation,
That the world may see,
There's none in the right but we,
O' the sons of the auld Scottish nation;
And the kist fu' o' whistles, that mak sic a cleiro,
Our pipers brave shall have them a',
Whate'er comes o' it." [3]

The aversion of the Presbyterians to the organ in churches was emphatic; and they were also very sure of the truth of their own opinions, and determined to maintain them.

The battle of Philiphaugh was fought on the 13th of September, 1645, when Montrose was completely defeated by a portion of the Covenanting army, under the command of David Leslie. This battle terminated the short and brilliant career of Montrose. The ballad gives an account of the battle from the Covenanters' standpoint, and expressed their feeling of exultation:—

"Sir David from the borders came,
Wi' heart and hand came he,
Wi' him three thousand bonny Scots,
To bear him company."

After describing the movements of the army and the battle pretty accurately, the ballad concludes with these words:—

"Now let us a' for Leslie pray,
And his brave company,
For they have vanquished great Montrose,
Our cruel enemy."

Montrose escaped from the field; but five years afterwards he fell into the hands of his enemies, and perished upon the scaffold. From time to time various writers have attempted to make him a hero, and a contemporary ballad, entitled "The Gallant Grahams," contains a

[3] *Ibid.*, Vol. I., p. 293.

lamentation over his final discomfiture and cruel end. This ballad enumerates the deeds of the Grahams at some length, and gives particulars of the military achievements of Montrose, and of several of his companions in arms who fought for the royal cause; and concludes with the following lines on the last exploit of Montrose :—

"Montrose again, that chieftain bold,
Back into Scotland fair he came,
For to redeem fair Scotland's land,
The pleasant, gallant, worthy Graham.
At the water of Carron he did begin,
And fought the battle to the end ;
And there were killed for our noble King
Two thousand of our Danish men.[4]

. . . . . .

"Then woe to Strachan and Hacket both,
And, Lesly, ill death may thou die,
For ye have betrayed the gallant Grahams,
Who aye were true to Majesty.
And the Laird of Assaint has seized Montrose,
And led him into Edinburgh town,
And frae his body taken the head,
And quartered him upon a trone.

"And Huntly's gone the self-same way,
And our noble King is also gone ;
He suffered death for our nation,
Our mourning tears can ne'er be done.
But our brave young King is now come home,
King Charles the Second in degree ;
The Lord send peace into his time,
And God preserve his Majesty." [5]

[4] "The Danish men" were Montrose's foreign auxiliaries, but in all they did not exceed six hundred men.

[5] Scott's *Minstrelsy*, Vol. II., pp. 187-194. At the present time, John Skelton, writing on the death of Montrose, says, among other and very fine touches :— "When at length his doom was read to him in the crowded house, he lifted up his face without any word speaking." He lifted up his face! A grand speech—eloquent in its solemn simplicity. A silent protest—a silent appeal. Was it with him as with an old martyr?

"And looking upward, full of grace,
He prayed, and from a happy place,
God's glory smote him on the face."

The opposing parties in religion and in politics often assailed each other in satirical rhymes, in pasquils, and in lampoons, which were printed on broadsheets and circulated through the country. But this class of composition generally was extremely coarse and profane, and hardly fit for publication in the present day. On both sides they could scarcely find language abusive and vulgar enough in which to describe, traduce, and stigmatise each other; nevertheless, without entering into long details on this subject, a few illustrations of it as explicative of the spirit of the times in some of its modes seem requisite. In 1638, a pasquil against the bishops appeared, written in a sort of rhyme, beginning thus, "St. Andrews is an atheist, and Glasgow is a gouke," and so on touching the rest of the bishops. On the other hand, some of the Episcopal party produced a satire on the General Assembly of 1638—a curious performance consisting of two parts, and opening with the following description of the meeting of the Assembly :—

> "From Glasgow Raid to which made meeting,
> Huge troops from all quarters came fleeting,
> With dags and guns in form of war,
> All loyal subjects to debar ;
> Where bishops might not show their faces,
> And mushroom elders filled their places ;
> From such mad pranks of Catharus,
> Almighty God, deliver us." [6]

The Assembly and its leading members were caricatured at length, and sometimes with effect, but with extreme coarseness and vulgarity. Henderson, the moderator of the Assembly, was called a pope, and some of the covenanting nobles were severely dealt with, and also the small gentry : "From beggars, beggar-makers, from all bold and blood undertakers, from hungry calepoles, knighted loons, from perfumed puppies and baboons, from caterpillars, mothes and rats, horse-letches, state blood-sucking brats," the writer prayed to be delivered from all such. Another lampoon, called "The New Litany," assailed the Covenanters in a similar strain. The author prayed that he might be preserved from all the actions of the party then contending against the King :—

> "From the long prayers of devote sisters,
> From master madcaps' rotten glisters,

[6] *A Book of Scottish Pasquils*, edited by Mr. Maidment, p. 29, 1868.

From sermons made to blow the fire,
From bishops that betray the cause,
And advocates that write the laws;
From the table, nay tables three,
Of lords, barons, and ministry—
From their decrees and all new glosses,
And from all conspiracy and treason.

. . . . . .

"From pupil, pastor, tutor, flock,
From gutter Jennie, pulpit Jock,
From covenanting tage and rage,
From horsruber, scudler, scold, and hage,
From tinker, treulerd, slouene, and sluit,
Dick, Jack, and Tom, long-tail and coitt,
Drunkard, thief, and whore—infamous rascals by the score." [7]

In England the Long Parliament got its share of buffets from the wits of the time; and as the Covenanters became associated with the Long Parliament, the following notice of this famous assembly may be given here :—

"It's full of questions and commands,
It's armed with muskets and pikes; it fears
Naught in the world but cavaliers;
It was born in England, but begot
Between the English and the Scot;
Though some are of opinion rather,
That the devil was its father."

Another contemporary rhyme on the Long Parliament has a slight touch of grim humour in it :—

"O God preserve the parliament,
And grant it long to reign,
From three years' unto three years' end,
And then to three again.
That neither king, nor bishop lord,
So long as they are alive,
Have power to rebuke their souls,
Or hurt the members five.
For they be good and godly men,
No wicked paths they tread;
For they are pulling bishops down,
And setting up Roundhead.
For holy Burton, Baswick, Pryme,
Lord keep them in Thy bosom;

[7] *Ibid.*, pp. 53, 57.

Keep him who did keep out the King,
Worshipful Sir John Hotham.
Pull down the King and Hartsford both,
And keep them down for ay;
But set Thy chosen Pym on high,
And eik my good lord Say.
For Warwick we entreat the Lord,
Be Thou his strong defence;
For Bedford, Hollis, Fairfax, Brooke,
And also his Excellence.
Bliss once again Thy parliament,
And let them sit secure,
And may their consultations,
From aye to aye endure.
Let all the people say Amen,
Then let us praises sing,
To God and to the parliament,
And all that hate the King."

The Rising of 1666, which was terminated by the engagement of the Pentland Hills, where the Royal army defeated the Covenanters, is commemorated in the ballad entitled "The Battle of Pentland Hills." The Covenanters having been dispersed, the ballad is interesting as an expression of the feeling of their opponents:—

"Between Dumfries and Argyle,
The lads they marched many a mile;
Souters and tailors unto them drew,
Their Covenants for to renew.
The Whigs they wi' their merry cracks,
Gar'd the poor pedlars lay down their packs;
But aye sinsyne they do repent,
The renewing o' their Covenant.

. . . . . .

"General Dalziel held to the hill,
Asked at them what was their will,
And who gave them this protestation,
To rise in arms against the nation?
'Lay down your arms in the king's name,
And ye shall a' gae safely hame;'
But they a' cried out, wi' ae consent,
'We'll fight for a broken Covenant.'
'O weel,' says he, 'since it is so,
A wilful man never wanted woe.'
He then gave a sign unto his lads,
And they drew up in three brigades.

The trumpets blew, and the colours flew,
And every man to his armour drew ;
The Whigs were never so much aghast,
And to see their saddles toom sae fast.
The cleverest men stood in the van,
The Whigs they took their heels and ran ;
But such a raking was never seen,
As the raking of the Rullion Green." [8]

As we have seen, the oppressed people again rebelled in 1679, and in June they defeated a party of the Royal army under Captain Graham, at Drumclog. In the ballad on the engagement it is called "The Battle of Loudon Hill." The Covenanters were led by Robert Hamilton and John Balfour of Kinloch, the latter, commonly called Burly, a vehement and determined man. Graham was represented as ordering an attack upon the westland men, while his officers attempted to dissuade him from it on the ground that it would be courting certain defeat :—

" There is not one of yon men,
But who is worthy other three ;
There is not one among them a'
That in his cause will stap to die.
As for Burly, him I know,
He's a man of honour, truth, and fame ;
Gie him a sword into his hand,
He'll fight thyself, and other three.

. . . . . .

" Then up he drew in battle rank,
I wat he had a bonnie train,
But the first time that bullets flew,
Ay he lost twenty o' his men.
Then back he came the way he gaed,
I wat right soon and suddenly,
He gave command among his men,
And sent them back, and bade them flee.
Then up came Burly, bauld and stout,
Wi's little train o' westland men,
Who more than either once or twice,
In Edinburgh confined had been.
They had been up to Loudon sent,
An' yet they've a' come safely down,
Six troop o' horsemen they have beat,
And chased them into Glasgow town." [9]

[8] Scott's *Minstrelsy*, Vol. II., pp. 203-205. [9] *Ibid.*, Vol. II., pp. 222-225.

There is a ballad on the Battle of Bothwell Bridge, where the Covenanters were defeated in 1679. Though none of these ballads on the Civil War have much merit, they are comparatively free from coarseness, and occasionally touches of feeling occur in them. The ballad on Bothwell Bridge concludes thus :—

"Alang the brae, beyond the brig,
Many brave men lies cauld and still;
But lang we'll mind, and sair we'll rue,
The bloody fight of Bothwell Hill."

The ballad on this battle is printed in most of the collections of ballads and songs; and there is another contemporary one, beginning "Ye are welcome Whigs from Bothwell Bridge." Hogg composed a modern ballad on the battle of Bothwell Bridge, from which I quote the following verse :—

"When rank oppression rends the heart,
And rules wi' stroke o' death,
Wha wadna spend their dear heart's blood,
For the tenets of their faith."

In the satirical rhymes and lampoons from the Restoration to the Revolution there is ample evidence of the dissolute life of the ruling party; but the far greater part of these compositions are unsuitable for quotation. There is a vehement and violent satire on the Stair family, and the famous lawyer himself is made the object of much bitter abuse. His crooked neck is constantly alluded to; while his wife had the reputation of being a witch. The apparent inconsistencies and shortcomings in the career of the great President of the Session, and of his eminent son, were mercilessly exposed and held up to scorn; and their changes of front in politics were sharply brought out, with damaging effect.[10]

A dispute, already noticed, arose between the Court of Session and the bar, touching the question whether a party aggrieved by a sentence of this court might lawfully appeal to the parliament of Scotland. Many of the advocates maintained the affirmative, which greatly offended the lords and the government, and they were dismissed from their places, and forbidden to reside in Edinburgh, being treated as malcontents, because they had disagreed with the lords, and ventured to defend law and justice. But after a short time, many of them yielded, acknowledging the error of their ways,

[10] *Book of Scottish Pasquils*, pp. 179-190.

and professed repentance. The lords, however, did not long enjoy their victory, as shortly afterwards parliament began to entertain appeals, though not with the aim of checking the corruption of the judges, but because some of the chief members of the Estates desired to have a share of the good things which were agoing, and thus to be enabled to assist the fortunes of their friends. In the satirical squibs on this matter, the President of the Session received much attention; and the verses to the advocates who stayed behind contain the following lines:—

"Even so, of advocates you're but the Rump,
That noble faculty's turn'd to a stump;
And so Dundonald does you much commend,
Because you are the faculty's wrong end.
But since a Rumple president does sit,
That rumps at bar should domineer was fit;

Yet where the tail is thus in the head's place,
No doubt the body has a sh——en face.
Thus, thus, some men reform our laws and gown,
As tailors do, by turning upside down."

The following lines refer to the president's threats against the malcontent advocates:—

"The president with his head on one side,
He swears that for treason we all shall be tried.
. . . . . .
The president bids us repent of our sin,
And swears we'll be forfeit if we don't come in:
We answer him all, we care not a pin." [11]

At this period there were persons in Scotland called peats or pats, whose function was to extract as much as could be got from the pockets of clients, "whether rich or poor, for the purpose of perverting justice." On this there is a curious contemporary rhyme entitled, "Robert Cook's Petition against the Peats," addressed to the Lords of Session, which begins thus:—

"The humble petition of Master Robert Cook,
Having spent all his money in following his book,
Now humbly does show to the Lords of the seat,
That he is likely to starve unless made a peat.

[11] *Book of Scottish Pasquils*, pp. 216, 218-221.

Yet first he must know whose peat he must be,
The president's he cannot, because he has three,
And for my lord Hatton,[12] his son now Sir John,
By all is declared to be peattie patron."

And so on the rhyme proceeded, naming the different lords, and showing that they all employed peats; and that John Hay of Murray, by virtue of his daughter, had a peatry which yielded thousands annually; that Lord Newbyth had hitherto run halves with the peats, but having found that they were all cheats, he resolved that his own son, William Baird, should be peat of the house as well as heir; that Lord Newton was always ready to take whatever men would give, and when he was peat to himself, avoided all the danger of sharing the half. After hearing the petition, the bench remitted it to Lord Castlehill,[13] who, after duly considering it, declared that the peats were grievous to the nation, as by some inspiration they pled without speaking, and consulted without writing.[14]

Without attaching much importance to writings of this description, we know from various sources of information that instances of disgraceful judicial delinquency were then common in Scotland.

A satirical rhyme on the government of the Duke of Lauderdale, and his wife, called "A Litany," was written about 1671. There are several other satires on his wife, under the name of Bessie; and it is stated that she swayed both Church and State. "She plots with her tail, and her lord with his pate—with a head on one side, and a hand lifted high—she kills us with frowning, and makes us to die—the nobles and barons, boroughs and clownes—she threatened at home even the principal towns—but now she usurps both the sceptre and crown—and thinks to destroy us with a flap of her gown." [15]

The Revolution and the events flowing from it called forth many satirical ballads and rhymes, especially from the party who adhered to the banished dynasty. It is from this date that Jacobitism

[12] Mr. Charles Maitland. [13] Sir John Lockhart.

[14] *Book of Scottish Pasquils*, pp. 224-227.

[15] The following lines are from the "Litany":—

"From this huffing Hector,* and his queen of love,
From all his blank letters from above,
From a parliamentary council that does rage and rave,
From an archbishop † graft on a presbyterian stock,
From the declaration built on a covenant dock,
From opposite oaths ‡ that would make a man chock."

* Duke of Lauderdale. † Sharpe. ‡ The Test.

assumed the form of a political creed, and became a distinctive name of a party in the State. This party, in manifesting their opinion and feeling in favour of the exiled family, endeavoured by all means to depreciate the Revolution settlement, and the whole course of subsequent proceedings, by satirising and abusing all who adhered to the new order of affairs. Many of the Jacobite ballads and songs are rude and coarse, but some of them are very humorous, and occasionally pathetic. They afford important elements for the history of the period from the Revolution to the Rising of 1745; and at that time they supplied to many of the people the chief political and literary food within their reach.

Here it may be stated that satire is and always has been a powerful weapon when properly wielded; but none of the Jacobite ballads or rhymes have attained to high rank as really genuine and effective satires. Indeed, though they are not often deficient in the elements of contempt and scorn of a kind, they seldom or never rise to the height of vigorous sarcasm; they never hit on the strain of that seething and stinging roll of sarcasm which smites its victims right and left, till they fall helpless under its piercing force. The Jacobite ballads have more of the comic and the ludicrous elements, of homely but effective forms of humour and wit, which together constitute their main characteristics.

The ballad entitled "The Coronation Song," 1689, is a comic and ridiculous description of King William and Queen Mary. It is full of rough humour, and excessively coarse in phraseology. William is represented as descended from the orange tree, but it was hoped that he will soon descend from a tree of another class—the gallows. His personal appearance was minutely described: "he had the head of a goose, and the legs of a crane," and rode in Hyde Park like a hog in armour, and in Whitehall carped like a country farmer. He had not stood to his declaration, but had completely cheated the nation. Cromwell only smelt at the crown through the rump; but, though there were three who had better claims than Orange, yet he with a jump ventured his neck to place himself upon the throne. Some of the verses are extremely profane and vulgar, and the song concludes with this wish:—

> "Then may the confusion that hither has brought us
> Always attend them, until it has wrought us,
> To bring back King James, as loyalty taught us—
> Our gracious King again,
> Our gracious King again."

After the Revolution, the Presbyterians were assailed in popular rhymes by the party who adhered to the banished royal family, and the Duke of Hamilton and the Union formed ample topics for satirical rhymes and lampoons. The Duke of Hamilton was chosen president of the Revolution convention, which declared the throne vacant; and directly after he was appointed royal commissioner. He has been represented as a proud, impatient, and overbearing man; he died in 1694. He was severely handled in a rhyme called "The Presbyterians' Address," beginning thus :—

"Welcome, great Duke, with all the joy that's due,
To the blest union of our friends and you;
The Lord has done it, is all that we can say;
But first to reverence, and next to pray.
Not free of fears, we beg in the first place,
For grace of perseverance to your grace;
For when with holy zeal we think upon,
The old malignant house of Hamilton,
Who our reforming course at first withstood,
At Langside bathed themselves and us in blood,
While the next heir the nation made consent
To the five articles in parliament."

The story proceeded to mention other heads of the house and their fate; and then stated that his grace had taken Bradshaw for his patron, and, as the latter had judged the father, the former had forfeited the son, but advises him to proceed :—

"Go on, great Duke, your hand is at the plough,
For looking back's both sin and follow now;
Let Crawford,[16] Cardross,[17] Melvin, you advise,
Let Polwart[18] flourish out the enterprise;
Here and hereafter both the malignants damn,
Down o'er their throats the new allegiance cram,
First fill the prisons till they'll hold no more,
Then let the scaffolds, reeking with their gore,
Be the gam'd theatres that shall express,
Your pious princely zeal to be no less,
Than old Argyle, when he the maxim prov'd,
That it was safer to be fear'd than lov'd.
Thus we take leave, and all with one consent
Does rest your grace's servants in the Lord."[19]

[16] The Earl of Crawford. [17] Lord Cardross, a warm supporter of the Covenant.
[18] Sir Patrick Home, afterwards Earl of Marchmont.
[19] *A Book of Scottish Pasquils*, pp. 255-257. The severest attack of this class on the Presbyterians was the one entitled "The Western Presbyterian's Address to the Prince of Orange."

The Scotch Jacobites satirised King William from time to time till the end of his reign, under the names of Willie Winkie, Willie Wanbeard, and Willie the Wage. But none of these pieces have much merit, their humour being homely and often coarse. The Jacobites were most bitterly opposed to the Union, and exerted themselves to the utmost to prevent it from being brought to a successful issue. The Parliament of 1704 was attacked and denounced in a rhyme beginning thus :—

> "Our parliament is met on a hellish design,
> 'Gainst God and the true heir knaves do combine,
> To play the game over of old forty-nine,
> But unless they repent they'll be d——d."

It proceeded to traduce and condemn all who in any way assisted in changing the succession of the throne, and vehemently caricatured many of the Scotch nobles, satirising them in the rudest strain. Indeed, this is one of the most outrageous and scurrilous compositions of the period. Johnston, the secretary, a son of Lord Warriston's, was described in the following terms :—

> "Thou, Johnston, thou spawn of a villain and traitor,
> A varlet by birth, education, and nature.
> Old Scotland's base cut-throat, and false England's creature.
> For which sin on and be d——d."[20]

The most of the nobles who adhered to the Government were handled in a similar style.

Contemporary rhymes and ballads on the Union Parliament, and on the Union itself, were numerous, and most of them emanated from the Jacobite party. But they are all marked by the characteristics which have already been sufficiently illustrated, and very few of them have assumed a popular and purified form, or lived into the present age.

But many of the Jacobite songs written between the accession of the House of Hanover and the middle of the eighteenth century, were, and still are, exceedingly popular. The satirical songs on George I. and the members of his family are generally humorous and homely, such as the well-known song of "The Riding Mare," "The Wee, Wee German Lairdie," "The Sow's Tail to Geordie," and others of a similar character, all so full of derision and contempt that they became national favourites—the fact of their being usually sung to

[20] *Ibid.*, pp. 379-384.

old and popular airs greatly enhancing their merit in the estimation of the populace. The immorality of the courts of the Georges afforded ample scope for coarse satire ; and Lady Darlington, one of the mistresses of George I., who figures under the name of the "Sow," was a constant theme for lampoon and satire. In person she was excessively large and corpulent. [21]

The Whigs were another subject for Jacobite invective and biting song. While the conflict of the two parties raged, and the result of the struggle was still uncertain, the arts of ridicule, depreciation, and jeering scorn, were more effective for stirring the passions of the people than elevated appeals to patriotism and the better sentiments of the mind. Hence it was not until the cause of Jacobitism was seen to be lost past all hope of recovery, that the best and most pathetic of their songs appeared,—it is only then that their songs begin to manifest the touching strains and the ennobling glow of genuine poetry.

The song entitled "Awa', Whigs, Awa'," was long popular, though more on account of the beauty of its air than of the merit of the song itself. Another one entitled, "What's the matter with the Whigs?" was written in the early part of the reign of George I., and opens with these lines :—

"O what's the matter with the Whigs,
I think they're all gone mad, sir,
By dancing one and forty jigs,
Our dancing may be dad, sir.

. . . . . .

"Did you not swear, in Anna's reign,
And vow too, and protest, sir,
If Hanover were once come o'er,
Then we should all be blest, sir?

. . . . . .

"And was there ever such a King
As our brave German prince, sir?
Our wealth supplies him everything
Save what he wants—good sense, sir.
Our jails with British subjects crammed,
Our scaffolds reek with blood, sir,
And all but Whigs and Dutch are damn'd
By the fanatic crowd, sir."

[21] The air of the song, "The Sow's Tail to Geordie," has always been highly popular, and has been rendered from time to time with innumerable variations.

The Jacobite song entitled, "The Wind has Blawn my Plaidie Awa'," which is sung to the popular air "O'er the Hills and Far Awa," was very popular, and has appeared in various forms. The Whigs too had their songs, some of which were a sort of parody on the Jacobite ones; while the English also had many Jacobite songs and rhymes. The popular song beginning "From Caledonia's loyal lands, where justice uncontrolled commands," had its counterpart in a song used by the Whigs of the Revolution Club, in Edinburgh. It was sung to the tune of "O'er the Hills and Far Awa'," and opened with the following lines:—

"From barren Caledonian lands,
Where rapine uncontrolled commands,
The rebel clans in search of prey,
Came o'er the hills and far away.
Regardless whether right or wrong,
For booty, not for fame, they fight;
Banditti-like, they kill, they slay,
They plunder, rob, and run away.

. . . . . .

"With them a vain pretender came,
And perjured traitors, dupes to Rome,
Resolved all, without delay,
To conquer, die, or run away.
Our sons of war, with martial frame,
Shall bravely merit lasting fame;
Great George shall Britain's sceptre sway,
And chase rebellion far away. Amen." [22]

From the Revolution to the suppression of the last Rising, rhymes, ballads, and songs were the common outcome of the rhymers of the street, the alehouse, the club, and the festive board, or it might be of the farm-house, or the cot among the valleys and hills. It was a time when men of strong passions and feelings, rude humour, homely and coarse wit, could express themselves in language intelligible to all ranks of the nation. The Jacobites always eagerly endeavoured to gain the ear and enlist the favour of the people. Accordingly they were constantly appealing to the lighter emotions, the selfish feelings, and the passions, under the guise of a mass of rough and vulgar humour, and coarse satire, thrown at the new dynasty, and at the Whigs—the alleged authors of the ruin and all the woes of the nation.

But after the Battle of Culloden, a higher strain was struck. The bitterness of the sense of defeat, of suffering, of sorrow, and

[22] *English Jacobite Ballads*, edited by the Rev. A. B. Grosart, pp. 176-177.

lamentation, filled the souls of the Jacobites, and inspired them with a mournful and yet noble resolution to yield to their fate, and to make the best of the changed circumstances. Having referred in a preceding chapter to the sentiments expressed after Culloden, it is only necessary to give one or two illustrations in concluding this brief account of the Jacobite songs and ballads.

The following lines are from the ballad called "The Lament of Old Duncan Skene of the Clan Donochie:"—[23]

"Thy foes they were many, and ruthless their wrath,
Thy glens they defaced with ravage and death,
Thy children were hunted and slain on the heath,
And the best of thy sons are no more."

The song entitled "The Highlander's Farewell," is exceedingly pathetic. It was composed in Gaelic, and the following quotation is from an English translation:—

"O where shall I gae seek my bread?
O where shall I gae wander?
O where shall I gae hide my head?
For here I'll bide nae langer.
The seas may row, the winds may blow,
And swath me round in danger,
My native land I must forego,
And roam a lonely stranger.
The glen that was my father's own,
Must be by his forsaken;
The house that was my father's home,
Is levell'd with the bracken.
Ochon, ochon, our glory's o'er,
Stolen by a mean deceiver,
Our hands are on the broad claymore,
But the might is broke forever.
Farewell, farewell, dear Caledon,
Land of the Gael no longer,
A stranger fills thy ancient throne,
In guilt and treachery stronger.
Thy brave and just fall in the dust,
On ruin's brink they quiver;
Heaven's pitying e'e is clos'd on thee,
Adieu, adieu, for ever!"[24]

[23] Mackay's *Jacobite Songs and Ballads*, p. 247.

[24] Mackay's *Jacobite Songs and Ballads*, pp. 251-252. In passing from the subject. I may mention that Mr. Robert Malcolm edited a collection of Jacobite songs and ballads, published at Glasgow in 1829; while Hogg's *Jacobite Relics*, first and second series, are well worth careful perusal.

For all this the Highlanders soon betook themselves to other forms of energy, and as already mentioned, they have done good service to the empire since the collapse of their memorable and last Rising in Britain.

The Lowland Scottish ballad literature embraces a wide and rich field, ranging over and engrossing almost every element of poetry, save the purely religious. The songs and ballads, of course, present all degrees of merit and variety, of love and pathos, of keen feelings, of wild passions, and of glowing emotions; but only a few examples may be presented here, as every reader can easily go himself to the fountain-head. Perhaps the ballad called "The Lament of the Border Widow," is among the most touching of the pathetic class. It has been supposed to relate to the execution of Cockburn of Henderland, who was hanged over the gate of his own tower, by the order of the King, in 1529. In its present form it was obtained from recitation, and printed in Scott's Minstrelsy :—

"My love he built me a bonnie bower,
And clad it a' wi' lilye flouer,
A brawer bower ye ne'er did see,
Than my true love he built for me.
There came a man, by middle day,
He spied his sport, and went away,
And brought the King that very night,
Who brake my bower, and slew my knight.
He slew my knight, to me sae dear;
He slew my knight, and poin'd his gear;
My servants all for life did flee,
And left me in extremitie.
I sew'd his sheet, making my mane,
I watched the corpse, myself alane,
I watched his body, night and day;
No living creature came that way.
I took his body on my back,
And whiles I gaed, and whiles I sat;
I digg'd a grave, and laid him in,
And happ'd him with the sod sae green.
But think na ye my heart was sair,
When I laid the moul' on his yellow hair;
O think na ye my heart was wae,
When I turned about away to gae.
Na living man I'll love again,
Since that my lovely knight is slain.
Wi' a lock of his yellow hair,
I'll chain my heart for ever mair."

The simple and natural pathos of these lines is inimitable, and at once touches the heart.

There are not only pathos, genuine feeling and fire in many of the national songs, but also in some of them good sense and shrewd judgment of the world. A song by the author of "Tullochgorum," the Rev. John Skinner, presents in a brief compass a kind of philosophy of life. It is entitled, "John o' Badenyon," and I tempted to quote it :—

"When first I came to be a man of twenty years or so,
I thought myself a handsome youth, and fain the world would know.
In best attire I stept about, with spirits brisk and gay :
And here, and there, and everywhere was like a morn in May.
No care I had, no fear of want, but rambled up and down,
And for a beau I might have passed in country or in town ;
I still was pleased where'er I went, and when I was alone,
I tuned my pipe, and pleased myself wi' John o' Badenyon.
Now in the days of youthful prime, a mistress I must find,
For love, they say, gives one an air, and even improves the mind :
On Phillis fair, above the rest, kind fortune fixed mine eyes,
Her piercing beauty struck my heart, and she became my choice.
To Cupid now, with hearty prayer, I offered many a vow,
And danced, and sang, and sigh'd, and swore, as other lovers do :
But when at last I breathed my flame, I found her cold as stone—
I left the girl, and tuned my pipe to John o' Badenyon.
When love had thus my heart beguiled with foolish hopes and vain,
To friendship's port I steer'd my course, and laugh'd at lover's pain.
A friend I got by lucky chance—'twas something like divine ;
An honest friend's a precious gift, and such a gift was mine.
And now, whatever may betide, a happy man was I,
In my strait I knew to whom I freely might apply.
A strait soon came, my friend I tried, he laugh'd and spurn'd my moan ;
I hied me home, and tuned my pipe to John o' Badenyon.
I thought I should be wiser next, and would a patriot turn,
Began to doat on Johnnie Wilkes, and cry'd up parson Horne ;
Their noble spirits I admired, and praised their noble zeal,
Who had with flaming tongue and pen maintained the public weal.
But ere a month or two had passed, I found myself betrayed ;
'Twas self and party, after all, for all the stir they made.
At last I saw these factious knaves insult the very throne,
I cursed them all, and tuned my pipe to John o' Badenyon.
What next to do I mused a while, still hoping to succeed ;
I pitched on books for company, and gravely tried to read :
I bought and borrowed everywhere, and studied night and day,
Nor miss'd what dean or doctor wrote, that happened in my way.
Philosophy I now esteemed the ornament of youth,

And carefully, through many a page, I hunted after truth :
A thousand various schemes I tried, and yet was pleased with none,
I threw them by, and tuned my pipe to John o' Badenyon.
And now ye youngsters everywhere, who wish to make a show,
Take heed in time, nor vainly hope for happiness below ;
What you may fancy pleasure here, is but an empty name ;
And girls, and friends, and books also, you'll find them all the same.
Then be advised, and warning take from such a man as me ;
I am neither pope, nor cardinal, nor one of high degree ;
You'll meet displeasure everywhere ; then do as I have done—
Even tune your pipe and please yourself with John o' Badenyon."

There are some points which I might illustrate in greater detail; but, as already stated, a lengthy account of this branch of literature does not seem necessary. Besides, in a work of this character, some proportion must be observed in treating the various subjects which properly comes within its range, and suggestion and stimulation may be legitimately used where space for criticism cannot be afforded. An appropriate conclusion to this chapter will be found in the following lines by the late John Imlach, entitled "Auld Scotia's Songs," and prefixed to Whitelaw's Book of Scottish Song :—

" Auld Scotia's Songs, Auld Scotia's Songs,—the strains o' youth and yore,
O lilt to me, and I will list—will list them o'er and o'er,
Though mak' me wae, or mak' me wud, or changefu' as a child,
Yet lilt to me, and I will list—the native woodnotes wild.
They mak' me present wi' the past—they bring up fresh and fair,
The Bonnie Broom o' Cowden Knowes, the Bush aboon Traquair ;
The Dowie Dens o' Yarrow, or the Birks o' Invermay,
Or Catrine's green and yellow woods in autumn's dawning day.
Now melt we o'er the lay that wails for Flodden's day o' dule :
And now some rant will gar us loup like daffin' youth at Yule—
Now o'er youth's love's impassion'd strain our conscious heart will yearn—
And now our blude fires at the call o' Bruce o' Bannockburn.

. . . . . .

" O born o' feeling's warmest depths—o' fancy's wildest dreams,
They're twined wi' monie lovely thoughts, wi' monie lo'esome themes ;
They gar the glass o' memory glint back wi' brichter shine,
On far-off scenes, and far-off friends—and Auld Lang Syne.
Auld Scotia's Songs, Auld Scotia's Songs—the native woodnotes wild,
Her monie artless melodies, that move me like a child ;
Sing on, sing on, and I will list, will list them o'er and o'er—
Auld Scotia's Songs, Auld Scotia's Songs, the songs o' youth and yore.

CHAPTER XXXII.

Literature of the Nation in the Seventeenth Century.

THROUGHOUT the seventeenth century the ablest minds in Scotland were mainly absorbed in religious and political struggles, or devoted to theology and practical religious duties; yet law, science, and cognate subjects began to attract more attention, especially towards the end of the century. The theological and religious literature diverged but little from the leading doctrines of the Reformation, for though in some writings there might be greater elaboration of doctrinal points, there was no radical change in the method of investigation or of interpretation of the fundamental doctrines. The Westminster Confession, like the Reformation one of the Scotch Reformers, is essentially Calvinistic; and the chief doctrines in both are viewed from the same standpoint. After the lengthy account of the social condition of the nation, and of the tendency of the stream of history given in the preceding chapters, it would be superfluous to enter into a minute detail of the religious literature of the century. Both the contending parties were represented by writers of reputation and authority in their day; but comparatively few persons now read their productions. The religious difficulties which demand discussion in the present day have assumed different forms, for in the interval of two centuries, the ideas and convictions of the people have gradually undergone a great modification and change. It will be the aim of the remaining part of the work to explain the causes of this change in the opinions and habits of the people.

David Calderwood, a Presbyterian minister, is the author of numerous works, mostly of a polemical character.[1] He was a man of unbending integrity, bold and fearless in maintaining his opinions, and thoroughly consistent in his profession. He was acute and learned, and familiar with the writings of the Fathers, and theo-

[1] Born 1572, died 1650.

logical literature generally. The greater part of his writings and pamphlets related to ecclesiastical disputes in the reigns of James VI. and Charles I.; such as the polity of the Church, the five articles of Perth, and cognate matters. But the most important and valuable of his writings is "The History of the Church of Scotland, from the beginning of the Reformation to the end of the reign of James VI."; although, strictly speaking, it is not a history, but rather a collection of the materials for history, than a digested and critical narrative of events. It contains a great number of historical papers, Acts of Parliament, Acts of the Privy Council, Acts and proceedings of the General Assembly, royal proclamations, and other documents of a public character. Calderwood was extremely greedy of information, and notices incidentally many curious facts and notions which prevailed amongst the people. Hence his History of the Church is very valuable to the historical student.

John Spottiswood,[2] Archbishop of St. Andrews, is the author of a "History of the Church and State of Scotland." Though he leans to the side of his own party in the Church, his statement of facts is generally fair and moderate. In extent and variety of material his history falls much below Calderwood's, but in arrangement and in style, it is superior to any contemporary history composed in the vernacular language.

Robert Baillie was one of the most eminent and learned of the Presbyterian clergyman of the Covenanting period.[3] He was actively engaged in the struggle of the Civil War, but he was more reasonable and moderate in his views than the majority of his brethren. His writings are numerous, and were chiefly devoted to Church polity and religion. He wrote both in English and in Latin, but the greater part of his works were published in the former language. He devoted much attention to the Oriental languages, and was conversant with the Hebrew and cognate tongues. He was one of the Scotch ministers who sat in the Westminster Assembly of Divines, and subsequently he was appointed Professor of Divinity in the University of Glasgow. After the Restoration, he was admitted Principal of the University of Glasgow, an office which he held until his death. His principal works are "An Historical Vindication of the Government of the Church of Scotland," a work of considerable ability, and his "Chronology," written in Latin. One of Baillie's

[2] Born 1565, died 1639.

[3] Born 1599, died 1662.

first productions was levelled against Laud, the Archbishop of Canterbury, and published in 1640, under the title, "The Canterburians Self-convicted, or an evident demonstration of the avowed Arminianism, popery, and tyranny of that faction, by their own confession." A third and enlarged edition of this pamphlet was published in 1641, and a fourth in 1643. Several of Baillie's pamphlets directly attacked the Liturgy, as his "Comparison of the Liturgy with the Mass-book, Breviary, the Ceremonial, and other Romish Rituals," published in 1641; "Inquiries anent the Service-book, an antidote against Arminianism." He was earnest in addressing the people on the reforming work of the time, especially in his sermons preached before Parliament in 1643 and 1645, the former entitled "Satan the Leader-in-chief to all who Resist the Reformation of Zion," and the latter, "Errors and Induration are the great Sins and the great Judgments of the Times." A list of Baillie's publications was given in Dr. Irving's *Lives of Scottish Writers*. But his Letters and Journals relating to the wars and the affairs of the period from 1637 to 1662, are now the most interesting and the most valuable of his compositions.[4]

Zachary Boyd, minister of the Barony Parish, in the suburbs of Glasgow, was a writer of note in the first half of the century.[5] At first he seemed inclined to side with the Loyalist party, but at last he signed the Covenant, and continued a firm adherent of the popular cause, although he did not take so active a part in the field as some of his brethren. But when Cromwell, with his army, arrived at Glasgow, "he railled on them all to their face in the High Church." Having chosen for his text the eighth chapter of the book of Daniel, he expounded the vision of the ram with two horns, which was overcome and trampled down by a he-goat, and exerted all his ingenuity to extend the parable to existing circumstances, and demonstrating that Cromwell was the he-goat. In another sermon, on some verses of the thirty-eighth Psalm, he made many pointed and bitter references to the sectarian General; and it was reported that one of the officers whispered into Cromwell's ear, and asked permission to "shoot the scoundrel at once," but he replied that "we will

[4] An imperfect edition of his *Letters and Journals* was published in 1775, but a more complete one in three volumes, edited by the late Dr. Laing, appeared in 1841-42.

[5] Born 1590, died 1653.

manage him in another way." Cromwell invited Boyd to dine with him, and completely gained the preacher's respect by the fervour of the devotions in which he spent the evening, and it was said that their mutual exercise was continued till three in the morning. [6]

Boyd was the author of various works, chiefly of a religious character. In 1629, he published a work entitled "The Last Battle of the Soul in Death," which is written in a kind of dramatic form, and sustained with spirit and interest, and differs from most of the religious works of the period in not being controversial. He had an imaginative and vigorous mind, and his thought is often strikingly original; and, with an exceedingly copious command of words and imagery, he combined a style which was remarkably good for the period. His highest flights are embodied in a work of two volumes, entitled "Zion's Flowers," which have received the name of "Boyd's Bible." They consist of a collection of poems on subjects of Scripture history, such as David, Jonah, and others, presented in a dramatic form, in the execution of which he sometimes produced extremely ludicrous and grotesque passages.

James Durham, minister of the Blackfriars Church in Glasgow, from 1647 to 1658,[7] was one of the most popular preachers of his day. His writings consist of commentaries on Scripture, and a large number of sermons on a variety of subjects. "He was a burning and shining light, a star of the first magnitude, and of whom it may be said, without derogation from the merit of any, that he had a name among the mighty." [8]

David Dickson [9] was minister of Irvine for upwards of twenty years, and subsequently a professor in the University of Glasgow, and also in that of Edinburgh. He was a successful teacher and a popular preacher, and, as we have seen, he was a man of standing and influence among the Covenanting party. He is the author of commentaries on the Psalms, and on various parts of the New Testament, of a series of lectures, and other pieces, and his writings were for long popular.

But none of the presbyterian ministers were more popular and famous than Samuel Rutherford.[10] He was actively engaged in the Covenanting struggle; and for the last ten years of his life, he maintained the battle on the side of the protestors. A talented, a

[6] *Life of Boyd*, prefixed to his *Last Battle of the Soul.*
[7] Born 1622, died 1658.
[8] *Scots Worthies*, Vol. I., p. 220.
[9] Born 1583, died 1663.
[10] Born 1600, died 1661.

consistent, and a learned man, he wrote on various topics of absorbing interest in his time, including his "Peaceable Plea for Presbytery," a well-digested book, which he published in 1642. In 1649, he published, at London, "A Free Disputation against the Pretended Liberty of Conscience," especially directed against the Independents, who were then rapidly rising to the height of power in England. Besides these he wrote several other treatises, some of them composed in Latin; but the most famous of his productions was "Lex Rex," The Law and the King.[11]

This work on government is elaborate, and a good example of deductive exposition. After a very long preface, in which he says: —"That which moved the author was not, as my excommunicated adversary says, the escape of some fears, which necessitated him to write, for many before me have learnedly trodden in the path, but that I might add a new testimony to the times." He gives a full and formal table of contents, and then proceeds to the discussion of his subject. He divided it into forty-four questions or leading topics, under each of which a great mass of matter comes in for discussion. He appeals to the authority of Scripture throughout, and refers to the examples in the Bible. But the general strain of the book leads to the utter overthrow of the idea that kings have prerogatives and absolute powers above the laws and acts of parliament; and this branch of the subject is well and conclusively reasoned. In the course of the long discussion, many other important political points are handled with ability and judgment. But it is a tedious book to read, though a valuable contribution to the principles of constitutional government.

Rutherford began his work by stating that, "I reduce all that I am to speak of the power of kings: (1) To the author or efficient, (2) the matter or subject, (3) the form or power, (4) the end and fruit of their government, and (5) to some cases of resistance."[12] From

[11] His *Letters* were published after his death, and reprinted in 1824, and again quite recently.

[12] P. 1. "It is reported that when Charles saw *Lex Rex*, he said it could scarcely ever get an answer, nor did it ever get any, except what the parliament in 1661 gave it, when they caused it to be burned at the Cross of Edinburgh by the hands of the common hangman. This was a summary way of answering a book, but it was somewhat more innocent than the practice of burning the authors of books. Charles' parliament, by the hangman's hands, burned the body of the book, but they could not consume its immortal spirit, with which

these simple terms he proceeded deductively to expound his views and opinions on the origin of government, the power and rights of the king and of the people.

In discussing the powers of the king, he stated that, "The royal power rests in three ways in the people: 1. Radically and virtually, as in the first subject. 2. Collectively, by way of free donation, they giving it to this man, not to this man that he may rule over them. 3. Under limitation, they giving it so as that these three acts remain with the people: 1. That they may measure out, by ounce weights, so much royal power, and no more, and no less. 2. So as they limit, moderate, and set bounds to the exercise of it. 3. That they give it out, conditionally, upon that and this condition, that they take again to themselves what they gave out, if the conditions be violated. The first, I conceive, is clear: 1. Because if every living creature have radically in them a power of self-preservation to defend themselves from violence, as we see lions with paws, some beasts have horns, some claws, men being reasonable creatures united in society, must have power in a more reasonable and honourable way to put this power of warding off violence in the hands of one or more rulers, to defend themselves by magistrates. 2. If all men be born as concerning civil power alike, for no man comes out of the womb with a diadem on his head or a sceptre in his hand, and yet men united in society may give crown and sceptre to this man, and not to that man, then this power was in the united society, but it was not in them formally, . . . therefore this power must have been virtually in them, because neither man, nor community of men, can give that which they neither have formally, nor virtually, in themselves. 3. Royalists cannot deny that cities have power to choose inferior magistrates: therefore, many cities united have power to create a higher ruler, for royal is but the united and superlative power of inferior judges, in one great judge, whom they call king."

Thus it is concluded that the people make the king. "The power of creating a man a king is from the people, because those who may

the minds of the patriots of that age were deeply imbued, which they communicated to their children, and which ultimately produced the Revolution." Claud's *Defence of the Reformation* was condemned to be burned, on which the editor of an old edition very properly observes that "books have souls as well as men, which survive their martyrdom, and are not burned, but crowned by the flames that encircle them."—*Scots Worthies*, Vol. I., p. 223.

create this man a king, rather than another man, have power to appoint a king. For a comparative action does positively infer an action; if a man have a power to marry this woman, not that woman, we may strongly conclude, therefore, that he has power to marry."[13]

Rutherford had the reputation of being an effective preacher and an able and successful professor of divinity in the New College of St. Andrews, where he occupied a chair for about twelve years. But he was under the influence of the intolerant spirit of the age, and wrote earnestly against toleration of religious opinions. Yet, at that period few had risen to the idea of toleration, though the Independents had approached nearer it than the other religious bodies in the Island. In the estimation of his own party he held a high place, one of them summing up his character in these words: "He seems to have been one of the most resplendent lights that ever arose on our horizon."[14]

George Gillespie[15] was one of the prominent ministers of the Covenanting period. He was the author of a work which was long popular, entitled "Aaron's Rod Blossoming, or the Divine Ordinance of Church Government Vindicated," published at London in 1646; he also wrote several controversial papers and tracts.

There were a number of other presbyterian ministers celebrated in their day as preachers, of whom may be mentioned James Guthrie, Hugh Binning, Robert Blair, Andrew Gray, John Livingston, and James Wood; while there were others, like Henderson, who were too ardently engaged in the struggles of the times to produce works for publication.

Dr. John Forbes was the second son of the estimable Bishop Forbes, of Aberdeen.[16] He was appointed professor of divinity in King's

[13] P. 10, ed. 1644.

[14] Wodrow; *Scots Worthies*, Vol. I., p. 229.

[15] Born 1613, died 1648.

[16] Bishop Forbes himself is the author of several works, some of which were published in a volume, entitled "A Learned Commentary upon the Revelation of St. John, newly corrected and revised, Middleburgh, 1614." The volume also contained a treatise in defence of the lawful calling of the ministers of the Reformed churches. He is the author of "A Dialogue, wherein a rugged Romish Rhyme (Inscribed questions to the Protestant) is confuted, and the questions thereof answered," Aberdeen, 1627.

Soon after his death, a volume, with a portrait, was published, under the title, "Funerals of a Right Reverend Father in God, Patrick Forbes of Corse, Bishop of Aberdeen, 1635." It contains five funeral sermons in English by different professors and doctors, a Latin oration and a dissertation, and also a large

College, Aberdeen, in 1619, and was the author of several learned works. In discharging the duties of his chair, he delivered lectures on the history and progress of Christian doctrine. He was disposed to peaceful measures, and to promote this he published a pamphlet in 1638, under the title of "A Peaceful Warning to the Subjects of Scotland." This was quickly answered by a tract attributed to Calderwood, the warm defender of the presbyterian polity. The professors and the ministers of Aberdeen offered a determined opposition to the Covenant, argued against it and disputed its lawfulness, and at last issued a printed paper containing, "General Demands concerning the Covenant." This was answered by Henderson, Dickson, and Andrew Cant, whereupon the Aberdeen Doctors emitted replies, which called forth further answers from the Covenanters' side; to these the Doctors published a rejoinder, and thus they had the satisfaction of the last word. Their learning, however, could not protect them, for they were all deprived of their offices in the Church and in the University, because they refused to sign the Covenant.[17]

Robert Leighton, Archbishop of Glasgow, in the reign of Charles II., was perhaps the most cultured and learned, as well as the most humane of the prelates of the period. He was educated in the University of Edinburgh, and graduated in the year 1631. Afterwards having lived for several years in France, he learned to speak French like a native. Having returned to Scotland, he became a minister of the Presbyterian Church, and was appointed pastor of the parish of Newbattle in 1641, in which he laboured quietly till 1652, when he resigned his charge. In 1653, he was installed principal of the University of Edinburgh, to which office the chair of divinity was joined. After the Restoration, he accepted the bishopric of Dunblane, in which he officiated for about eight years, and was exceedingly attentive to his duties. He endeavoured to promote measures of

collection of verses in the form of laudatory epitaphs on the deceased prelate, contributed by many of the learned men of the day; and at the end, "Edward Raban, master printer, the first in Aberdeen," contributed the last epitaph himself, which concludes with these lines:

"Good Sir, I am behind the rest,
I do confess, for want of skill:
But not a whit behind the best
To show the affection of good will."

[17] The general demands of the Aberdeen Doctors, and the answers and replies, were published at Aberdeen by order of the Scotch parliament. A collected edition of Dr. Forbes' Latin works was published in 1703.

moderation and conciliation, and disapproved of the severe modes of forcing a formal compliance with the established worship, and accordingly granted the nonconformists of his own diocese that liberty of conscience, which the laws of the times had ignored. In 1670, when he became Archbishop of Glasgow, he redoubled his efforts to persuade the ejected ministers to listen to terms of accommodation, but failed. At last, disheartened and tired of his position, he resolved to retire from all public employment, tendered his resignation, finally relinquishing the See of Glasgow in 1674. Afterwards, this truly religious and humane man retired to England, where he died in 1684.

Leighton's writings consist of his "Commentaries on St. Peter," sermons preached at Newbattle, lectures delivered in Latin before the University of Edinburgh, spiritual exercises, letters and other papers. None of his works were published in his lifetime, but collected editions of them have been issued in England and America, the most complete one having appeared in 1869-70. His writings have been long and widely known, and it is unnecessary to enter into a lengthy criticism of them. His style is simple and easy, and glowing with genuine piety, the expression of a warm and generous heart.

Bishop Burnet was the greatest name in literature which Scotland produced in the seventeenth century. He was born in Edinburgh in 1643, but belonged to an Aberdeenshire family, and was educated at the University of Aberdeen. He was licensed to preach at the age of eighteen, visited England, Holland, and France, and having returned home, was appointed minister of the parish of Saltoun in 1665. Subsequently he became professor of divinity in the University of Glasgow. After the Revolution he was appointed a bishop in the Church of England. He was an exceedingly voluminous writer, and tried his hand on many subjects. He is the author of a large number of sermons, many of which were delivered on public occasions, of numerous discourses and tracts on divinity, and of tracts and pamphlets of a polemical description on popery, politics, and miscellaneous subjects. A considerable number of historical works emanated from his fertile mind, of which the most important are his "Memoirs of James and William, Dukes of Hamilton," "History of the Reformation of the Church of England," and his great work entitled, "History of His Own Time." Burnet was a man of varied accomplishments and vast information, and was himself engaged in many of the events and transactions which he recorded in the above named work.

He had a wide and ready command of language, and his historical method and style are equal, if not superior, to the best English writers of his day. His narrative is always methodical, and runs on naturally with much simplicity and ease. His chief historical works are still valuable as sources of information, and they are also more interesting reading than almost any writings on the same subjects of that generation or the succeeding one. As a single specimen of his style, I may quote the passages of his history on the character of Archbishop Tillotson. "Tillotson was a man of a clear head and a sweet temper. He had the brightest thoughts and the most correct style of all our divines, and was esteemed the best preacher of the age. He was a very prudent man, and had such a management with it, that I never knew any clergyman so universally esteemed and beloved, as he was for above twenty years. He was eminent for his opposition to popery. He was no friend to persecution, and stood up much against atheism. Nor did many men do more to bring the city to love our worship than he did. But there was so little superstition, and so much reason and gentleness in his way of explaining things, that malice was long levelled at him, and in conclusion broke out fiercely on him.

"I preached his funeral sermon, in which I gave a character of him which was so severely true, that I perhaps kept too much within bounds, and said less than he deserved. But we had lived in such friendship together, that I thought it was more decent, as it always is more safe, to err on that hand. He was the man of the truest judgment and best temper I had ever known; he had a clear head, with a most tender and compassionate heart; he was a faithful and jealous friend, but a gentle and soon-conquered enemy; he was truly and seriously religious, but without affectation, bigotry, or superstition; his notions of morality were fine and sublime; his thread of reasoning was easy, clear, and solid; he was not only the best preacher of the age, but seemed to have brought preaching to perfection; his sermons were so well liked and heard, and so much read, that all the nation proposed him as a pattern, and studied to copy after him; his parts remained with him clear and unclouded, but the perpetual slanders and other ill-usage he had been followed with for many years, more particularly since his advancement to that great post, gave him too much trouble and too deep a concern; it could neither provoke him, nor fright him from his duty, but it

affected his mind so much that this was thought to have shortened his days." [18]

In the department of poetry, Scotland in the seventeenth century, unlike the two preceding ones, was rather barren. Sir William Alexander, subsequently better known as the Earl of Stirling, was a writer of rhymed compositions in the reigns of James VI. and Charles I. He broke away from his native dialect, and essayed to write in the literary English of the period; but his style is not pure or correct. He had a good command of language, but he lacked the poetic glow, though he tried his hand at various themes; his poetry is commonplace and monotonous, and often pervaded with a moralising strain.[19]

William Drummond, of Hawthornden, attained to some distinction as a poet in the first half of the century. He was a notable man in his own lifetime, having travelled abroad, residing for some time in Paris and in Rome, and visited the most celebrated universities of the Continent. He corresponded with Ben Jonson and other English poets, and they recognised him as a member of their fraternity. He wrote a number of poems and sonnets, also a history of the first five Jameses; but his history is not of much historic value, as his special information on the subject was limited and incomplete. He left behind him various political papers relating to affairs between the years of 1632 and 1646, mainly written in support of the cause of Charles I. He died in 1649.

Drummond holds a place among the minor English poets, but represented nothing distinctively Scottish, as he wrote in the literary English of the period. His taste and culture were formed under the influences of Italian and English literature, and he seems to have shut himself out from the association and the inspiration of the vernacular. His poetry lacks fire and force, and emotional power; but on the other hand, he had a cultured taste, fancy, and a command

[18] *History of His Own Time*, Vol. I., pp. 324-325, 1823.

[19] Alexander's so-called "Monarchic Tragedy" was published at Edinburgh in 1603. "Thus known to James in Scotland as one of the most accomplished of his subjects there, Alexander continued after the union of the Crowns to put forth volume after volume, professedly as a British poet using the common literary tongue, vying with his English contemporaries. . . . At length, in 1614, appeared the huge poem, in twelve cantos of heavy eight-line stanzas, entitled 'Doom's Day, or the Great Day of the Lord's Judgment.'" About this time he entered the King's service, and was promoted step by step till he became Earl of Stirling in 1633.—Dr. Masson's *Life of Milton*, Vol. I., p. 421.

of descriptive imagery. Some of his sacred poems exhibit poetical imagery and an easy flow of versification. In one of them, called "The Shadow of Death," the following lines occur :—

> "So seeing earth, of angels once the inn,
> Mansion of saints, deflowered all by sin,
> And quite confus'd by wretches here beneath,
> The world's great sovereign moved was to wrath.
> Thrice did he rouse himself, thrice from his face,
> Flames sparkle did throughout the heavenly place,
> The stars, though fixed, in their rounds did quake,
> The earth, and earth-embracing sea did quake."

His piece composed on the King's visit to his native land in 1617, is one of his best; and in it he pays a warm tribute to the King's love of peace.

But "his sonnets in particular have been praised in modern times, as among the second best in the language. In his narrative and descriptive poems he is decidedly one of the English Arcadians, with something of Browne's sweet sensuousness, and using very musically the same metrical couplet. . . . If, as a poet of sensuous circumstance, Drummond has any one particular excellence, entitling him to a kind of pre-eminence, so far as that excellence could bestow it, among the minor poets, it is the description of the clear nocturnal sky and the effects of quiet moonlight on streams and fields"; as in these lines :—

> "To western worlds when wearied day goes down,
> And from Heaven's windows each star shows her head,
> Earth's silent daughter Night is fair though brown,
> Fair is the moon though in love's livery clad."[20]

With the progress of social organisation and civilisation, laws and legal writings accumulate; hence more legal literature was produced in Scotland in the seventeenth century than in the sixteenth. Sir Thomas Hope, the eminent advocate, and warm Covenanter, was the author of several well-known legal treatises, which were long esteemed among the faculty.

But the most famous writer of Scottish Jurisprudence was James Dalrymple, Viscount Stair, and president of the Court of Session.[21]

[20] Dr. Masson's *Life of Milton*, Vol. I., pp. 424-425. An edition of Drummond's Poems was published in 1656; a fuller one in 1711; but the most complete edition of his poems was printed for the Maitland Club in 1832.

[21] Born 1619, died 1696.

His chief work, "The Institution of the Law of Scotland," was long the standard authority on legal matters.[22] He is also the author of a digest of "The Decisions of the Court of Session, in the important cases debated before the judges, with the Acts of Sederunt," published at Edinburgh in 1683-87. It contained a report of cases from 1660 to the month of August, 1681, and thus it has an interesting and special historic value.

But Lord Stair was the author of several other works of a different character. In 1686, he published in Latin a treatise entitled "Physiologia nova Experimentalis," which was favourably noticed by Boyle. His last publication was "A Vindication of Divine Perfections, illustrating the Glory of God, by Reason and Revelation, methodically digested into several Meditations," which appeared in 1695. In 1690, he published a defence of himself in a tract of four leaves.

Sir George Mackenzie, the notorious lord-advocate of the reign of Charles II., was a writer of reputation in his time, and a clear and vigorous thinker. He tried his hand on various subjects. His legal writings consist of "Institutes of the Law of Scotland," "Laws and Customs in matters Criminal," "Observations on the Laws and Customs of Nations as to precedency, with the Science of Heraldry as part of the Law of Nations." Of these, the first is a well-arranged and digested treatise, but it is short and summary, and falls much behind Stair's work on the same subject. The other two contain useful information forcibly expressed.

Concerning both the knowledge and the art of medicine the civilised world was still in a backward condition. The practice of surgery especially was very rude, even in its most elementary principles. In the treatment of simple wounds, "instead of bringing the edges of the wound together, and endeavouring to unite them by the first intention, as is practised in the present day, the wound was filled with dressing and acid balsams, or distended with tents and leaden tubes. . . . In those days every lap of skin, instead of being reunited was cut away, and every open wound was dressed as a sore,

[22] The first edition of Stair's *Institutions* appeared in 1681; a second edition greatly enlarged, was published at Edinburgh in 1693; a third, corrected and enlarged, with notes, in 1759; a fourth, with commentaries and supplement by George Brodie, in 1829-31; and another with notes and illustrations by John S. More, 1832, in two volumes.

and every deep one was filled with a tent lest it should heal."[23] Although in this branch of science there was no great advance in Scotland, yet more interest began to be manifested in the subject, and some progress was made.

It was stated that Sir Andrew Balfour[24] first introduced the dissection of the human body into Scotland. He projected a sick hospital for the relief of pain and poverty at the public expense. He also drew up a scheme for the Royal College of Physicians at Edinburgh, and formed the botanic garden there. To the public he bequeathed a museum which at that time would have been considered a great acquisition to any city. Further, he introduced into Scotland many foreign plants; and as in his youth he had travelled in foreign countries, he greatly extended his information, his culture, and experience.[25]

James Sutherland was appointed keeper of the new botanic garden in 1683. He published "A Catalogue of the Plants in the Physic Gardens at Edinburgh, containing their most proper names in Latin and in English." In the dedication of it to the Provost of Edinburgh he says, "It has been my business for seven years past, wherein I have had the honour to serve the city as intendent over the garden, to use all care and industry, by foreign correspondence, to acquire both seeds and plants from the Levant, Italy, Spain, Holland, England, and the East and West Indies, and by many painful journeys, in all seasons of the year, to recover whatever this kingdom possesses of variety, and to cultivate and to preserve them, with all possible care."

After Dr. Balfour's death, his library, consisting of about three thousand volumes, besides MSS., was dispersed; but his museum was placed in the hall which, till 1829, was used as the University. "There it remained many years useless and neglected, some parts of it falling into inevitable decay, and other parts being abstracted. Yet even after 1750, it still contained a considerable collection, which I have good reason to remember, as it was the sight of it about that time that inspired me with an attachment to natural history. Soon after that it was dislodged from the hall where it had been long kept,

[23] *Physic and Physicians*, Vol. I., pp. 42-43. [24] Born 1630, died 1694.

[25] Though the Royal College of Physicians was not incorporated till 1681, it is recorded that "the doctors of physic" petitioned parliament in 1693, craving that a college of physicians should be established in Edinburgh.—*Acts Parl. Scot.*, Vol. V., p. 283.

was thrown aside and exposed as lumber; was further and further dilapidated, and at length almost completely demolished. In the year 1782, out of its ruins and rubbish I extracted many pieces still valuable and useful, and placed them here in the best order I could. These, I hope, may long remain, and be considered as so many precious relics of one of the best and greatest men this country has produced." [26]

Sir Robert Sibbald attained a reputation as a physician and a naturalist. When the Royal College of Physicians of Edinburgh was incorporated in 1681, he became a member of that institution. In 1684, he published his valuable work entitled, "Scotia Illustrata sive Prodromus Historiæ Naturalis Scotiæ," and a second edition appeared in 1696. He devoted much attention to the indigenous plants of Scotland, and discovered some rare species. In 1694, he published an interesting treatise containing "Observations on some Animals of the Whale Genus, lately thrown on the shores of Scotland." He was also the author of a number of essays and papers, chiefly on topics connected with the antiquities of Scotland, which were written for the Royal Society, and published after his death in 1739. He wrote a description of Fife, published in 1710, which is full of interesting and curious information.

Dr. Robert Morison [27] was an industrious and persevering student of botany, and for ten years he held the position of intendant of the gardens of the Duke of Orleans. After the Restoration, the King invited him to England, and on his arrival, he was appointed royal physician, and professor of botany. In 1669, having been elected professor of botany in the University of Oxford, "he made his first entrance on the botanic lecture in the medicine school, on the 2nd of September, 1670, aud on the 5th of the same month, he translated himself to the physic garden, where he read in the middle of it, with a table before him, on herbs and plants thrice a week for five weeks, not without a considerable auditory. In the month of May, 1673, he read again, and so likewise in the autumn following; which course, spring and fall, he proposed always to follow, but was diverted for several years, by prosecuting his large design of publishing the universal knowledge of simples." [28]

He produced a work on botany which claimed to make some improvement on the system of classification, the first part of which

[26] Walker's *Essay on Natural History.*

[27] Born 1620, died 1683.

[28] Wood's *Fasti Oxon.*

appeared in 1672, and the second in 1680, but he did not live to finish it, having only completed nine of the fifteen classes of his own system.

Dr. Archibald Pitcairn was one of the original members of the Royal College of Physicians, and one of the most eminent of the profession in Scotland at that period.[29] He was a keen supporter and promulgator of Harvey's doctrine of the circulation of the blood, and in 1688 he published a treatise touching that subject. He composed a number of dissertations on medical matters, which were published in a collected form in 1701 ; and in 1713, shortly before his death, he issued a new and enlarged edition. He belonged historically to what was sometimes called the mathematical school of physicians, that is, those who then insisted on the application of mathematical reasoning and demonstration to subjects of anatomy and physiology. Be that as it may, Pitcairn contributed to the improvement of the theory and practice of medicine, having assisted to complete Harvey's theory of the blood, and made some advance in explaining the process of secretion. He exerted himself to explode some of the errors of preceding writers, and adopted a clear and concise mode of reasoning, and his dissertations are admirable specimens of exposition. [30]

Notwithstanding the unsettled state of Scotland in the seventeenth century, some of her sons contributed to the progress of science, although no genius of the highest rank arose to illuminate the pages of our annals ; still several steps in science were taken which tended to extend the bounds of knowledge. Dr. James Gregory,[31] the inventor of the reflecting telescope, had directed his attention to the study of mathematical science from his boyhood, and in 1663, when only twenty-five, he published his treatise on optics. In this work he gave the first description of the reflecting telescope. The year after the publication of his work, he went to London, with the intention of having his telescope constructed, and was introduced to Mr. Reves, an optical instrument maker, but he could not finish the mirrors on the tool so as to preserve the figure. Indeed so unsuccessful was the trial of the telescope, that the inventor was discouraged from making more attempts to improve it. Thus the want of

[29] Born 1652, died 1713.

[30] An English translation of Dr. Pitcairn's works was published in 1727, and there have been several editions of his writings issued.

[31] Born 1638, died 1675.

mere mechanical manipulation for a time delayed the completion of the instrument, and the inventor never had the satisfaction of seeing it completed.

Sir Isaac Newton objected to this telescope on the ground that the the hole in the large speculum would cause the loss of so much light, and six years later invented his own one, in which this defect was obviated. Both forms, however, were long used, the Gregorian when the instrument was of moderate size, and the Newtonian one generally when the instrument was required to be large. [32]

Dr. Gregory was the author of several other geometrical treatises, which were important contributions to the science of the time. Having been elected a member of the Royal Society, he read various papers before it. He was also appointed professor of mathematics in the University of St. Andrews; but was subsequently transferred to the mathematical chair in the University of Edinburgh, which he held till his death in 1675, at the early age of thirty-seven.

David Gregory, a nephew of the preceding professor, attained distinction as a professor of mathematics, a scientific writer, and a commentator.[33] He was educated at the Universities of Aberdeen and Edinburgh, and when only twenty-three years of age, he was appointed professor of mathematics in the latter. The following year he published a small treatise in Latin concerning the dimensions of figures, in which he made various references to the speculations of his uncle, from whom he received some of his materials.

He has the distinction of being the first public teacher who taught the Newtonian system in the schools, which his brother James likewise introduced into the University of St. Andrews. David Gregory remained in the University of Edinburgh for seven years, expounding "The Principia" of Newton, and lecturing on optics. In 1691, the Savilian professorship of Astronomy in the University of Oxford became vacant, and Gregory proceeded to London with the view of offering himself as a candidate for the post. There he was introduced to Newton, who gave him a testimonial, which stated: "Being desired by David Gregory, mathematical professor of the College in Edinburgh, to testify my knowledge of him, and having known him by his printed mathematical performances, and by discoursing with travellers from Scotland, and of late by conversation with him, I do

[32] Hutton's *Philos. Dict.*; *Life of Dr. Reid*, prefixed to Hamilton's edition of Reid's works.

[33] Born 1661, died 1708.

account him one of the most able and judicious mathematicians of his age now living. He is very well skilled in analysis and geometry, both old and new. He has been conversant with the best writers about astronomy, and understands that science very well. He is not only acquainted with books, but his invention in mathematical things is also good. He has performed his duties in Edinburgh with credit, as I hear, and advanced the mathematics. He is reputed the greatest mathematician in Scotland, and that deservedly so far as my knowledge reaches, for I esteem him an ornament to his country, and upon these accounts do recommend him to the electors of the astronomy professor for the place in Oxford now vacant." Newton also gave him a letter of introduction to Mr. Flamsteed, the astronomer-royal. Gregory was elected professor of astronomy at Oxford in 1692; and about the same time he was admitted a member of the Royal Society, and he contributed to their transactions various papers. He occupied the chair of astronomy till his death.[34]

Gregory's writings were mainly on mathematical subjects and the principles of the Newtonian system. In 1702 he published his greatest work, "Astronomiæ Physicæ et Geometricæ Elementa," the aim of which was to present a connected view of Newton's system, and thus it contained a digest of the "Principia." Gregory manifested a great faculty of arrangement and exposition, and it was admitted by Newton himself that the work gave an excellent exposition and defence of his system. Much ability was shown in the illustrations. It appears that Newton had communicated to the author his theory of the moon, and given him some other curious information touching the notions of the ancients on the subject of gravitation. This work was reprinted at Geneva in 1713, and two editions of an English translation of it appeared, the last in 1726, in two volumes. Dr. Gregory edited an edition of the works of Euclid, which was published in 1703. He also left unpublished works, some of which were printed after his death.

John Keill was the author of several treatises on the new physics. He was a warm adherent of the Newtonian system, and it was reported that he was amongst the first who explained and illustrated the new system by experiments at Oxford about the end of the seventeenth century. His first work was an examination of Dr.

[34] *Letters Written by Eminent Persons*, Vol. I., p. 177, 1813; Whiston's *Memoirs*.

Burnet's "Theory of the Earth," with some remarks on Whiston's "Theory of the Earth," published in 1698. It involved him in a controversy with the authors whose works he had attacked. In 1700 he published "An Introduction to Natural Philosophy," being lectures read in the University of Oxford in Latin, but an English translation soon after appeared. This work was considered an able and useful introduction to the Newtonian system, and it has often been reprinted in England, and was translated into French.

Keill entered the arena as a warm supporter and defender of Newton in the famous dispute between Leibnitz and Newton about the priority of their claims to the invention of fluxions and the calculus. Into the evidence or the merits of this question I cannot enter here, but it may be said that Keill and some others who took part in the discussion introduced into it rather too much vehemence and passion. In 1712 Keill was appointed Professor of Astronomy in the University of Oxford, and in 1718 he published "An Introduction to the True Astronomy: or Astronomical Lectures read in the Astronomical School of the University of Oxford," of which an English translation was published in 1721, which was long regarded as a standard work.

CHAPTER XXXIII.

Education and Art in the Seventeenth Century.

AS we have seen in the second volume, after the Reformation many efforts were made to extend the elements of Education to the people. Though the nation was disturbed touching forms of Church polity, and often torn by civil war and persecution, yet the parish and elementary schools increased in number during the century, while the number of adventure-schools which appeared throughout the kingdom humbly praying for liberty to teach, indicates a growing and pretty general desire among the people to partake of the benefits of education. Thus there were signs that the mass of ignorance was slowly but surely yielding to the influences of civilisation. Still, the vagrant habits of many persons, the severe oppression of a portion of the people, and many other obstacles, required a long time to elapse ere they could be thoroughly overcome or a complete system of national education established.

The legislature, the church, and the local authorities, all endeavoured to promote the education of the people. In 1616 the Privy Council enacted that there should be a school established in every parish of the kingdom, and the Act was to be carried into effect with the concurrence of the burghs. But this Act was not fully carried out, and so ten years later the Government ordered a report to be drawn up on the state of the parishes throughout the kingdom, from which it appeared that the majority of the parishes were then without regular schools. Parliament in 1633 ratified the Act of Council, and further enacted that the bishops, with the consent of the majority of the parishioners, might impose a rate upon the possessors of land for establishing and supporting the parish schools. In 1641 the subject came again before Parliament in the form of an overture, which, among other points concerning schools and education, stated that "every parish should have a reader and a school wherein children are to be taught in reading and writing, and the grounds of religion, according to the laudable acts both of church and parlia-

ment before enacted." One of the articles in the overture on the schools was to this effect: "The Assembly would supplicate the parliament that for youths of the finest and best spirits of the Highlands and Borders, maintenance may be allowed as to bursars, to be trained in the Universities." Again, in 1645, Parliament ordered "that there be a school founded, and a schoolmaster appointed in every parish not already provided." For this purpose the proprietors in every congregation were enjoined to meet and to provide a suitable building for a school, and modify a salary to the schoolmaster, which should not be under one hundred merks or above two hundred annually. A rate was to be imposed by the proprietors to maintain the schools and pay the schoolmasters; but if they could not agree among themselves to settle the matter, then in that case, the presbytery were to nominate twelve honest men within its bounds, who should be empowered to execute the work of establishing a school, which should be as valid as if the proprietors had done it themselves.[1] But troubles came fast and thick upon the party then at the head of affairs, and this Act was not put into operation.

In 1696 Parliament anew enacted that a school and schoolmaster should be established in every parish not already provided "by advice of the proprietors and the minister of the parish." As in the Act of 1645, they were enjoined to provide a suitable building for a school, and settle a salary to a schoolmaster, which should not be under one hundred merks (five pounds and eleven shillings) sterling, or above two hundred merks (eleven pounds, two shillings, and twopence.) The proprietors were to pay a share of the rate according to their valued rent within the parish, "allowing each of them relief from his tenants of the half of his proportion for settling and maintaining of a school and payment of the schoolmaster's salary. . . If the proprietors, or a majority of them, shall not meet, or being met and shall not agree among themselves, then in that case, the Presbytery shall apply to the commissioners of supply of the shire, who, or any five of them, shall have power to establish a school, and settle and modify a salary for the schoolmaster, and to rate and lay on the same upon the proprietors according to their valued rent, which shall be as valid and effectual as if it had been done by the proprietors themselves. And because the proportion imposed upon each proprietor will be but small, there-

[1] *Acts Parl. Scot.*, Vol. V., pp. 21, 367; Vol. VI., p. 216.

fore for the better and more ready payment thereof, it is ordained that if two terms' proportions run in and the third unpaid, then those that so fail in payment shall be liable in double of their proportions then resting, and in the double of every term's proportion that shall be resting thereafter, until the schoolmaster be completely paid, and that without any defalcation."[2] From this date the parish system of primary schools became established and continued without interruption, excepting in some parts of the Highlands, where parishes were so large as to render the act inoperative; but ultimately other means of providing elementary education in those remote quarters of the kingdom were adopted.

Throughout this period there were elementary schools in many of the towns distinct from the grammar or burgh schools. But it must be observed that the grammar schools from an early period enjoyed a monopoly of teaching certain branches, as they were protected more or less strictly until recent times. Education like trade and everything else was subject to the spirit and the influences of the age, and a few examples of the modes of protection in this field may be interesting to many. In 1668, the town council of Edinburgh stated that it was illegal for any person to teach Latin or grammar within the city, except the masters of the high school, and that none residing in the town might send their children to be taught without the gates; nevertheless, several persons were teaching within the city, "to its public loss, and to the overthrow of the high school." And therefore the council "ordained that no person upon any pretence whatever teach grammar within the city except at the schools of Leith, Canongate, and the readers' school of West Port, and that no inhabitant send their children to any other place within the liberties of the city; and anyone teaching in contempt of this act shall be imprisoned, and parents sending their children elsewhere shall pay quarterly to the master of the high school as much as his other scholars."[3] Yet "the adventure schools seemed to have gained ground on the high school in the course of 1684, when the doctors appeal for augmentation, because of the number of private schools which, if suppressed, will become their mortal enemies, slandering them to all concerned."[4]

In 1686, the town of Wigton ordered that no other school but the

[2] *Acts Parl. Scot.*, Vol. X., p. 63. [3] *Burgh Records of Edinburgh.*
[4] Grant's *History of the Burgh Schools of Scotland*, p. 136.

burgh one should be permitted there, except for girls to learn sewing, under a fine on the teachers of ten pounds quarterly, and five groats on parents for each child. The town council of Banff, in 1688, prohibited private schools within the burgh under the penalty of banishment. In 1693, the council of Edinburgh ordered the doors of private schools to be closed; while, in 1698, the council of Stirling ordained that no child above six years of age should be taught in any school but the grammar school, no private school was to be permitted. The town council of Selkirk, in 1721, having appointed an English master, prohibited all other persons from teaching English to boys within the burgh.[5]

The English or primary schools in the burghs were partly under the control of the magistrates, and their sanction had to be obtained before a teacher could open a school. In March, 1636, the town council of Aberdeen discovered that three women had opened a school without asking or receiving a license from the council, and that they were teaching their scholars to read, and thus injuring the masters of the English schools, who had been authorised and admitted by the council; therefore, the council prohibited these women from keeping a school for teaching the children, excepting only schools for "learning the bairns" to sew and weave, and no further; "and that with the licence of the council, sought and obtained, and in no other way."[6] In 1658, William Findlay applied to the council for liberty to teach an English school, stating that he had been a teacher in John Brown's school, that he thought himself capable of conducting an English and writing school, and that he was very anxious to do it, if their honours should see fit to authorise him. The council, having considered his application, granted him a licence to open a school in the Green or Shoregate, "for teaching the young ones and children of the inhabitants of this burgh, during the council's pleasure, and his good service in that charge."[7]

The council of Glasgow, in 1639, enacted that there should be four English schools in the city, with a writing school, "and the masters of these schools to be admitted by the council, and to receive instructions from them touching the school hours and other matters, and this act to be proclaimed by sound of drum." But in 1654, eight

[5] Grant's *History of the Burgh Schools of Scotland*, pp. 138-140; *Burgh Records of Banff*; *Burgh Records of Stirling*.

[6] *Burgh Records of Aberdeen*, Vol. III., p. 98. [7] *Ibid.*, Vol. IV., p. 176.

teachers had taken up Scots schools without authority in the city, and they then humbly supplicated the magistrates to be allowed to continue them, while two others prayed that they might be permitted to open new Scots schools. After consideration, the magistrates authorised them, on condition that they conducted themselves religiously, praying morning and evening in the schools, exacting only certain fees, and instructing all poor children without fees, whose parents or friends required them to do this; while it was declared that the opening of scheols without the authority of the magistrates "was against all reason, and contrary to precedent, and to what had been heretofore observed." In 1663, fourteen persons, male and female, were authorised to keep Scots schools in Glasgow.[8]

In 1662, the town council of Aberbeen concluded that the English and reading schools of the burgh had been for several years much neglected and abused, owing to there being too many licenced to teach, who were incapable of teaching. But the council, having now brought John Gormak from Edinburgh, a highly qualified teacher of reading and writing, to assume the duties of teaching in the city, and that the schools may be better regulated and the youth better instructed in future, "resolved to have a school for teaching the young ones in reading and in writing; and that Robert Webster, who also has the liberty of the school, continue it for teaching and instructing the children in reading and arithmetic; and John Moubray to have the liberty of a school for teaching the children of Footdee and the Castlegate; prohibiting all other persons from keeping any English schools for reading, writing, or arithmetic, within this burgh, except such women as the council shall permit, for instructing children in the grounds of reading." The same year, the council admitted Barbara Mollison as teacher of the school founded by the Lady of Rothiemay, "in this burgh, for teaching the young ones in reading, writing, and sewing."[9]

From an early period, French was very generally taught in Scotland, but no other modern language was introduced into the schools until very recent times. In 1635, the town council of Aberdeen authorised Alexander Rolland to open a French school in the city, "for teaching the youth, and such as shall please to come to him, and

[8] *Burgh Records of Glasgow*, p. 397; Grant's *History of the Burgh Schools of Scotland*, p. 385.

[9] *Burgh Records of Aberdeen*, Vol. IV., p. 201.

for that end to put up a sign before his school door, to give notice of his licence, to all who are anxious to learn the French tongue." [10]

The Church was invested with the power of visiting and examining all the parish schools of the kingdom, and she manifested a deep interest in their welfare. But the Church also claimed, and generally exercised the right of visiting and examining all the schools in the realm, though, in the case of the burgh or grammar schools, she usually acted in conjunction with the town councils or the magistrates. These visitations of the schools were made at stated times, and helped to sustain their spirit and efficiency.

Thus in 1629, the town council of Aberdeen appointed four men to assist Dr. Forbes, Dr. Dun, Dr. Johnston, and Mr. Robert Barron, in the visitation of the Grammar, English, and Music schools of the city, enjoining them to take notice of the form of doctrine and discipline in all of them, and how the masters and the scholars observed the rules and the instructions set down for their guidance. "And wherein they find any of the masters deficient, either in doctrine or discipline, to report this to the council, with their proposals as to how all such defects should be remedied, to the end that the magistrates may order reformation, according to an act formerly drawn up. It was also commanded that the laws of all the schools should be printed and affixed in every school, that neither master nor scholar may pretend ignorance." [11] In 1652, the council of Peebles ordered the school to be visited, and the minister to be informed thereof. The town council of Jedburgh, in 1656, ordered visitations of the school to be made twice a year, in May and November, "in order that the master and assistant shall be tried, concerning the soundness of their judgment in matters of religion, their ability as teachers, the honesty of their conversation, and the fidelity with which they discharge their duties, so that the proficiency of the scholars may be known." [12]

The General Assembly of 1642 appointed a committee to consider the time and manner of visiting schools, and the best and most orderly course for teaching grammar. And in 1645, the Assembly, with the aim of advancing learning and good order in grammar schools, enacted that every grammar school should be visited twice in

[10] *Burgh Records of Aberdeen*, Vol. III., p. 80.

[11] *Ibid.*, Vol. III., pp. 14, 26, *et seq.*

[12] *Burgh Records of Peebles; Burgh Records of Jedburgh;* Grant's *History of the Burgh Schools of Scotland*, p. 148.

the year by visitors appointed by the presbytery and kirk-session in landward parishes, by the town council and ministers in burghs, and by the universities where there are any, always with the consent of the patrons of the school, in order that the diligence of masters, and the proficiency of scholars may be ascertained, and deficiency censured.[13] The Presbyteries, generally, were painstaking and careful in assisting to conduct these examinations.

In 1659, the town council of Aberdeen, considering that the quarterly visitation of the grammar and music schools of the city, appointed by the former acts, if rightly conducted, would tend to promote the learning of the youth, approved the following regulations, together with the laws of the school adopted in 1636: 1. That there should be four solemn visitations of the grammar school every year, one at the beginning of every quarter, at which the scholars should be tried in making themes, interpreting and analysing authors, and making verses, which will take up one day, if rightly done. 2. That the master of the grammar school should keep a register of visitations, in which should be entered "the laws of the school," printed about the year 1636, and also the act of council approving these regulations; and the scholar who at the quarterly visitation gains the prize, should with his own hand insert his name in the register, mentioning whether he gained it by making a theme or a verse, or analysing authors, and also recording the date of the visitation, which must be done by *nonas idus calendus*, the master helping those of the lower classes to enter it correctly, and the prizeman's name to be affixed above his class till the next visitation. 3. That each scholar in the school should have an antagonist, who as near as possible should be his equal, for stirring up emulation, and neither to receive help in his trials at the visitation. 4. The masters should keep the themes of the present visitation until the next quarterly visitation, that their proficiency may be observed. 5. Those who make the best verse and the best theme should each have a prize, after it appears by examination to be their own composition. 6. At every quarterly visitation there should be public acting, short recitations and declamations before the visitors, that the scholars may learn boldness and vivacity in public speaking. 7. When two or more are equal in making a theme or in any other point of trial, they may be put to an extempore trial for ascertaining the order of merit; but

[13] *Acts of the General Assembly.*

the visitors must be careful not to discourage the unsuccessful competitor, who should also receive a word of public commendation when the prize is given to the victor. 8. That the visitors should test the scholars on the grounds of religion by asking some questions of the Shorter Catechism, and to ascertain if they understood them.[14]

The Town Council of Aberdeen passed an act for redressing abuses which had arisen in the Grammar School in 1671. The scholars were interrupted in their learning by being changed from one teacher to another too often, as the assistant teachers were changed from one class to another every quarter, therefore it was settled that all the assistant teachers should begin with the scholars they received at each of the four quarters of the year, and carry them on continuously till they were fit for entering the master's class. "Seeing that in the three years' time, the scholars coming in May and in August cannot be so far advanced as those who came in autumn and at Candle mas, their teacher having delivered up the autumn scholars to the master's class, he may begin to receive the new class in the elementary branch at the same time, and also perfect the rest of his former classes, and always as he receives a new class every quarter so he may give off the class of his former course every quarter to the master's class, and so every third year each teacher of the school is to receive the scholars of a whole year, and at the four general quarters go up with his own scholars to the master's class. And if any boy through neglect or dullness of understanding fall short of his fellows, by the advice of the visitors or with consent of his parents, he ought to descend under the master that teaches next to that class." The mode of exercising discipline being defective, it was enjoined that the head master and the assistant teachers should exercise discipline every twenty-four hours upon the scholars under their respective charges. The master and teachers had been in the habit of not attending to their duty till eight in the morning, therefore it was enacted that one of the teachers should be in the school every day at six in the morning, and the head master and the rest of the teachers should be in the school every day before seven, that the scholars might not be idle when they came. It was ordered that one at least of the teachers should attend the scholars when they were at their play, to keep them in the usual playgrounds, and see that they did not hurt each other.[15]

[14] *Burgh Records of Aberdeen*, Vol. IV., pp. 180-182. [15] *Ibid.*, pp. 270-272.

In 1700 the council of Aberdeen, the principal and regents of Marischal College, and the ministers of the city, framed a set of rules for the government of the Grammar School. It was resolved that a solemn visitation of the school should be held annually in the beginning of October, at which the scholars were to be examined, and prizes awarded to the most deserving. Besides this, there should be three other visitations at intervals of three months conducted by members of the council, the ministers of the burgh, and one or two of the regents of the College. Further, two or more of the magistrates should visit the school on the first Tuesday of every month and inquire how the rules and the discipline of the school were observed. At the same time they appointed the method of teaching grammar and the classical authors, and enjoined that they should be diligently pursued.[16]

As to the subjects taught in the grammar schools and the method of teaching, there seems to have been a gradual improvement. In the higher class of schools the course extended to five years. At the High School of Edinburgh in 1640 the order of teaching was as follows :—For the first half of the first year the scholars were taught the principles of grammar "in vernaculo sermone," at the same time learning the Latin names of everything on earth and in heaven; and during the second half they had daily to repeat a certain portion of grammar, and learn particular sentences relating to life and manners. The first half of the second year they daily repeated certain parts of grammar, especially as laid down by Despauter,[17] translating it into English, and at the same time reading Cordery's Colloquies; while, during the second half, they were taught daily the Syntax of Erasmus, the masters teaching and the scholars learning in the Latin language. Throughout the third year they repeated daily a portion of etymology and syntax, being exercised in reading Cicero's De Senectute and De Amicitia, Terence's Comedies and Elegies, Ovid's Tristia, Buchanan's Psalms, and Cicero's Epistles, reading the same *clara voce*. The fourth year, for the first month they repeated daily what they had already learned, being taught Buchanan's Prosody, Despauter's Select Rules, and Buchanan's Epigrams and Poetry. During the rest of the year they were exercised in poetry and in the

[16] *Burgh Records of Aberdeen*, Vol. IV., p. 327.

[17] A notable Flemish grammarian, who flourished from 1460 to 1520, and whose grammar long continued to be used in our schools.

practice of the rules of grammar, reading Virgil, Ovid's Metamorphoses, Horace, Buchanan's Psalms, translating Cicero, Cæsar, and Terence, and the beauties of these authors were explained to them. The fifth year they studied the rhetoric of Tully, and the compendious rhetoric of Cassander, read Cicero's Orations, the short speeches in Sallust, Virgil, and Lucan, and were at all times enjoined to read audibly and distinctly, and declaim.[18]

The course of the Grammar School of Glasgow and that of Aberdeen also extended to five years, and the class of subjects and the instruction imparted being very similar in these schools, though there were some variations which may be a little further illustrated. In 1685, at the request of the Town Council of Glasgow, the regents of the College and the ministers of the city framed a scheme of teaching for the Grammar School. According to it, the first year the scholars were to be taught the common rudiments of Latin, including the Vocables; the second year the larger half of the first part of grammar, with Cordery's Colloquies, Erasmus's Minor Colloquies, and some select epistles of Cicero and Cato. The third year they were to be taught the other half of the first part of grammar, and a short piece of the second, as far as Regimen Genitivi; and for authors they were to have Ovid's Epistles, Buchanan's Psalms, especially such of them as are written in elegiac verse, with themes and versions from the best authors. The fourth year they were to learn the rest of Syntax from Regimen Genitivi, repeating the former parts, and reading Cæsar's Commentaries, Justin's History, Ovid's Metamorphoses, and Virgil. The fifth year they were to be perfected in the third and fourth parts of the Latin grammar, and to learn Buchanan's Epigrams, Jephtes, and Baptistes, and also select parts of Horace and Juvenal, with exercises in poetry, in themes and versions.[19]

The course of instruction in the grammar school of Aberdeen, in 1700, was ordered as follows: "The entrants should read Latin during the first quarter, or longer if the masters thought fit. After this, they should learn the declensions, comparisons, pronouns, conjugations, and the rest of the rudiments, to the constructions, and they should also learn by heart the first four sections of Webberburn's

[18] Chalmers' *Life of Ruddiman*, pp. 88-90; Grant's *History of the Burgh Schools of Scotland*, p. 339. For comparison of the above course of instruction in this school with the earlier one adopted in 1598, see the second volume of this history, pp. 404-5.

[19] Grant's *History of the Burgh Schools of Scotland*, p. 338.

Vocables, and decline and conjugate them; with the constructions they should have the two last sections of Vocables. With the first part of the grammar they should have Tully, Sulpicius, Distich of Cato, Ovid's Epistles, Virgil's Epigrams, and Terentii Andria; and for prose authors, Cordery, Erasmus's Minor Colloquies, and Cicero's Minor Epistles; and for sacred prose, Ursin's Catechism, Dialogi Sacra Sebastiani. With the second part of the grammar, Virgil's Eclogues and the fourth book of his Georgics, and Ovid's Metamorphoses, should be used; for prose authors, Curtius, Sallust, and Cæsar's Commentaries; and for sacred lessons, Buchanan's Paraphrase of the Psalms. With the third part of the grammar, Virgil's second and sixth Æneids, and Horace's Odes; and for prose authors, Cicero's Offices, and Erasmus's Minor Colloquies; and for sacred lessons, Buchanan's Paraphase continued. With the fourth part of the grammar, some of the select Satires of Horace, the tenth and thirteenth Satires of Juvenal, and some of the Satires of Persius; and for prose authors, Livy's First Decade, and Buchanan's History, together with the turning and making of verse, dictates of rhetoric and rules of elegance, to which should be added some practice in composing and resolving orations according to the rules of rhetoric. After Despauter's Grammar, Kirkwood's Orthography and Syntax should be learned, with his tract, De Variis Carminum Generibus. Throughout the prose authors, the choicest sentences of each day's lesson should be dictated in Latin and in English, together with the versions of each day's lesson, and for each lesson throughout the several factions, a daily conference should be appointed. As to composition, the public arguments should be dictated thrice a week, and besides these the high class should have five arguments more. On Saturday afternoon there should be disputes, repeating of rules and authors publicly by the several classes in turn; and all the rules and questions of the Shorter Catechism should be repeated once a week publicly. In the winter quarter each scholar of the higher class should repeat a fable of Æsop from the public desk before the whole class." Rules were also adopted for regulating the discipline of the school, the play-days, and the tasks for Sunday.[20]

Though provision was made for teaching Greek in some of the grammar schools, it was not generally taught in these schools during the seventeenth century. There are some notices of the teaching of

[20] *Burgh Records of Aberdeen*, Vol. IV., 327-332.

Greek in the schools; thus in the high school of Edinburgh, a class was established for teaching the rudiments of Greek, in 1614. In 1625, 1642, 1656, the masters of the grammar school of Stirling promised to teach all the scholars both Latin and Greek grammar. The town council of Aberdeen, in 1661, authorised Mr. William Aidy to teach scholars in the Greek tongue at such hours as should not interfere with the teaching of the grammar school. In 1663, Latin and Greek were taught in the school of Dumfries. As indicated before, Latin, and its classic writers, formed the chief subject-matter in the higher grammar schools. But in most of the smaller grammar or burgh schools, English was taught, including even reading, spelling, and writing. Throughout this period, however, there is little mention of the teaching of arithmetic, or any branch of mathematics, geography, or drawing; and, indeed, in these and other cognate branches of knowledge the nation as yet was not far advanced.[21] From about the end of the seventeenth century onward the subject of navigation was assiduously taught in the schools of the chief seaport towns of Scotland. In 1673, the master of the Scots school at Ayr was enjoined to teach the children to paint, but there was little teaching of drawing anywhere.

The town councils throughout the kingdom frequently encouraged and rewarded their school teachers. In 1620, the master of the grammar school of Paisley was made a burgess and freeman of the burgh, and in 1632, the assistant teacher, for his encouragement, was made a burgess without paying any composition; and again, in 1685, the master of the grammar school was admitted a burgess gratis, on account of his service to the town, and for his encouragement. In 1677, the master of the grammar school of Ayr was made a burgess and guild brother "for the good service which he had done in attending on the scholars in the school." The town council of Aberdeen, in 1632, granted to David Wedderburn, master of the grammar school, the sum of two hundred merks Scots, for printing his grammar, lately published, which he had dedicated to the council.

During the century some interest was manifested in the teaching of music. In a considerable number of the schools music was taught as a subordinate branch of education, and there were also, in different places, separate schools for teaching the vocal and instrumental

[21] *Burgh Records of Aberdeen*, Vol., IV.; *Burgh Records of Stirling*; Grant's *History of the Burgh Schools of Scotland*, p. 332.

forms. In 1624, the town council of Glasgow arranged with James Sanders to teach all the children of the burgh who should be sent to his music school, allowing him ten shillings each quarter, and three shillings and fourpence for his assistant. Then the provost and magistrates prohibited all other schools from teaching music in the city, unless they were licensed by the council. But in 1638, their music school had decayed, "to the disgrace of the city, and the regret of all honest citizens;" the council, therefore, with the consent of James Sanders, appointed Duncan Burnett to teach the music school. In 1669, the council agreed to give the teacher of music three hundred and fifty merks annually, and the bishop of Glasgow also was to give one hundred pounds Scots. In 1691, the music master was to receive fourteen shillings monthly for teaching one hour daily, and for writing the thirteen common tunes and some psalms, fourteen shillings; and further, the magistrates allowed him one hundred pounds Scots yearly.[22] The town council of Stirling, in 1620, granted to the teacher of music an annual salary of twenty pounds, with six shillings and eightpence quarterly, for every scholar of the town learning music; and in 1694, the precentor of the burgh was appointed to keep a public school for teaching singing and playing. Frequently the master of the song school was also English or rather Scots master, and taught the children reading and spelling, and sometimes writing and grammar. In 1621, the master of the music school of Dunbar was also the English master of the town school. Shortly before the Restoration, the music school of Elgin was converted into an English school, music, however, being still taught.[23]

In 1636, the town council of Aberdeen admitted Andrew Melville to be master of the music school. He had already been a teacher of music for eighteen years, and the council thought he had produced sufficient evidence of his qualifications in the art. They, therefore, appointed him master of the music school, to teach the art of singing and playing, stipulated that he should find a properly qualified assistant, to instruct and attend to scholars, and also to take up the psalms in both the churches of the city, at preaching and at prayers, evening and morning, on week-days and Sunday. In 1666, the

[22] *Burgh Records of Aberdeen*, Vol. III., p. 50; *Burgh Records of Paisley; Burgh Records of Ayr; Burgh Records of Glasgow*, pp. 354, 388, *et seq.*

[23] Grant's *History of the Burgh Schools of Scotland*, pp. 381-382.

council agreed to give Thomas Davidson, the master of the music school, a salary of two hundred and fifty merks annually, with school fees. The council, in 1675, issued a notice inviting persons expert in the science of music to compete for the office of master of the song school; and this brought an application from a Frenchman, who had been teaching music in Edinburgh with much success. The council engaged him for one year, or longer if they thought fit, at an annual salary of two hundred pounds, and thirty shillings quarterly from each scholar. His hours for teaching were fixed from seven to nine, and ten to eleven, in the forenoon, and from two to three in the afternoon.[24]

Passing to the Universities of Scotland, we cannot record that they exhibited any marked advance in the seventeenth century. There was scarcely any improvement or change in the regular methods of imparting knowledge, but some additional subjects were introduced. Amidst the ecclesiastical and political wars under which the nation groaned, letters, science, philosophy, and art, could not be expected to bloom and ripen. Nevertheless, it is encouraging to find that in spite of adverse circumstances, much violence, suffering, and poverty, many of the people continued to take a lively interest in the diffusion of the higher education.

About the beginning of the century, the magistrates and council of Glasgow manifested a keen interest in the preservation of the rights of their University. And in 1630, the town council, upon a petition from the principal and the regents of the University for assistance to erect a new building, agreed to contribute a sum of one thousand merks when the building was commenced, and another thousand merks to purchase books for increasing the number of volumes in the library. Later in the century, we find the council still taking a warm interest in the College.[25] The town council of Aberdeen, in 1634, granted four hundred merks to the masters and regents of King's College, to help to repair the crown of the College, which had

[24] *Burgh Records of Aberdeen*, Vol. IV., pp. 212, 226, 292-293. In 1682, the town council of Aberdeen granted John Forbes, printer, one hundred pounds Scots, as a gratuity, in recognition of his merit in publishing a book for the instruction of the young, which he dedicated to the provost and council. *Ibid.*, p. 302. The council, in 1643, granted John Row four hundred merks Scots, in consideration of his having taught the Hebrew tongue, and published a Hebrew Dictionary, which he dedicated to the council. *Ibid.*, Vol. III., pp. 165, 248.

[25] *Burgh Records of Glasgow*, pp. 217-223, 245, 275, 336, 340, 345, 351, 352.

lately been broken down by a tempest. In 1642, the council granted four hundred merks to aid in repairing the College of the burgh. The same year the council commanded that all the bursars admitted into the College of the burgh should diligently attend all the public lectures and lessons of the several professors, during the time that they received the benefit of their bursaries. The town council also appointed Mr. John Row to teach Hebrew in the College of the burgh. Dr. Robert Dun bequeathed his books to the College, and the town council was careful to see them placed in the library, and entered in a catalogue. In 1694, the council gave a contribution of five hundred merks for the observatory of Marischal College.[26]

As observed in the last volume, each dominant party in the government eagerly sought to impose their views upon the universities. When the Covenanting party gained the ascendancy, it was resolved, in 1639, that all masters and teachers of universities, colleges, and schools, and all scholars at the passing of their examination for degrees, should subscribe the Covenant, and this resolution was carried out by a commission of visitation between 1639 and 1642.[27] One of the proposals touching the universities which the General Assembly presented to Parliament in 1641, was to the following effect :—That in order to remove and to prevent abuses in the universities, to promote piety and learning, it was very requisite and highly expedient that a constant intercourse and correspondence should be kept up between all the universities and colleges of the kingdom. And, therefore, it should be ordained that a meeting of commissioners from all the universities and colleges should be held once every year, at such time and place as should be agreed upon, who should consult and determine upon their common affairs, and the best means of advancing the end above specified; and who also, or some of their number, should represent to parliament, and to the General Assembly, what should be necessary and best for the universities. Another item was, that special care should be taken that all the chairs in the universities, and more especially the chairs of divinity, should be filled with the ablest men, and the best affected to the Reformation and the order of the Church.[28]

[26] *Burgh Records of Aberdeen*, Vol. III., pp. 26, 59, 67; Vol. IV., pp. 169, 199, 232, 315.

[27] *Acts Parl. Scot.*, Vol. V., pp. 291-293.

[28] *Ibid.*, Vol. V., p. 367.

It was not merely the doctrines and political opinions taught in the universities that were affected by the changes and the revolutions in the government, but even the funds of these institutions were greatly affected, being often diminished and sometimes a little increased. The general seizure of Church property and funds at the Reformation has been already explained. The portion that belonged to the universities was, like the rest, generally diverted from its purpose, notwithstanding the efforts made to recover it; but without enlarging on this, it may be well to state a few facts. In 1641, parliament passed an act, granting the revenues of the bishopric and the priory of St. Andrews to the University of St. Andrews; that is, the income of the dismissed primate of Scotland was now to be transferred to the principal, the regents, and the professors of the University of St. Andrews. Accordingly, the Estates appointed a commission for the visitation of the Colleges of St. Andrews, to distribute the above fund among the principals, professors, and other members of the University, assigning due proportions to each of the three Colleges. The commission was also empowered to order the course of studies, to rectify what was wrong, to recommend what was best for training the students in religion and in learning, and to report their proceedings to the Estates.[29]

In 1641, the King and parliament granted to the University of Glasgow the temporality of the bishopric of Galloway, and ordered that the name and the memory of this bishopric should be suppressed and extinguished. The same year the Estates passed an act assigning the revenues of the bishopric of Aberdeen to the Colleges of Old and New Aberdeen. Cromwell, as we have seen, had to listen to some scathing preaching against himself in Glasgow; and though the majority of the professors and masters of the University submitted, with much reluctance to his government, still, Oliver and his council renewed all its immunities and privileges, adding that of printing bibles and all kinds of books relating to the liberal sciences or licensed by the University. The Protector further confirmed all former foundations, mortifications, and donations made in favour of the University, and particularly those of the bishopric of Galloway, adding thereto, for seven years to come, the vacant stipends of the parishes which had been in the patronage of the bishop of Galloway, also in perpetuity, the revenues of the deanery and sub-deanery of

[29] *Acts Parl. Scot.*, pp. 382, 448-450, 483, 498-499.

Glasgow. This last gift, however, was under several restrictions, by which the University could not obtain possession of the subjects during Cromwell's rule; however, as his acts were rescinded at the Restoration, it fell to the ground.[30]

At the Restoration, the universities were as far as possible made subservient to the government and its principles. When Episcopacy was re-established, the funds which the universities were receiving from the revenues of the bishoprics, as above indicated, were at once withdrawn. This crippled them for some time. At this time there were eight chairs in the University of Glasgow, but three of them had to be given up, and the five which remained were reduced to very low salaries, while the College buildings remained in an unfinished condition. According to the report of a visitation appointed by parliament in 1644, an annual sum of three thousand nine hundred and forty-one pounds Scots should speedily be provided for the University, otherwise it would quickly decay and go to ruin; for it had a great load of debt, and many chairs wanting which it should have, but cannot for want of revenue. In this state, however, it continued till after the Revolution. In 1693, however, each of the Scotch universities received a grant of three hundred pounds annually out of the bishops' rents in Scotland. They continued to struggle on, but none of them have yet become very rich institutions.[31]

After the Revolution, of course, the universities had to be purged, and in 1690, parliament passed an act authorising the visitation of all the educational establishments of the kingdom. A long list of commissioners were named in the act, and empowered to proceed, and to see that no person disaffected to the government, or otherwise disqualified, should be permitted to remain in any of the universities or schools, upon the ground of its being necessary "for the advancement of religion and learning, the good of the Church, and the peace of the kingdom, that the universities, colleges, and schools be provided and served with pious, able, and qualified principals, professors, regents, masters, and others bearing office therein, well affected to their Majesties, and the established government of Church and State." Therefore it was enacted that henceforward "no professors, principals, regents, masters, or others bearing office in any university,

[30] *Acts Parl. Scot.*, Vol. V., p. 566; Dr. Reid's *Account of the University of Glasgow.*

[31] *Acts Parl. Scot.*, Vol. VII., p. 498. Dr. Reid's *Account of the University of Glasgow.*

college, or school, in this kingdom, be permitted to continue in the exercise of their functions, but such as shall acknowledge and profess, and subscribe, the Confession of Faith, ratified by this parliament; and also swear and subscribe the oath of allegiance to their Majesties : and withal shall be found of a pious, loyal, and peaceable conversation, and of good and sufficient literature and abilities for their respective employments ; and submitting to the government of the Church now settled by law." [32]

In 1695, the commissioners of the universities had arrived at the conclusion that none of the text-books should be of foreign origin. "They tell the commissioners of parliament that it is altogether dishonourable to the universities, and the famed learning of the nation, that a course of philosophy should be made the standard of authority, which none belonging to the universities have composed. They criticise the existing books and systems of logic and philosophy. The existing courses of philosophy are either not intended and suited for students, or they are in themselves objectionable. The course that runs the fairest is, 'Philosophia Vetus et Nova,' which is done by a popish author, and bears marks of that religion ; but therein the logics are barren, the ethics erroneous, and the physics too prolix. Henry Moir's ethics cannot be admitted ; they are grossly Arminian, particularly in his opinion 'de libero arbitrio.' The determinations and pneumatology of De Vries are too short. Le Clerc is merely sceptical and Socinian. For Cartesius, Rohault, and others of his gang, besides what may be said against their doctrine, they all labour under this inconvenience—that they give not any sufficient account of the other hypotheses, and the old philosophy, which must not be ejected." [33]

In accordance with this conclusion, the University of St. Andrews was ordered to draw up the logics and general metaphysics ; to that of Edinburgh was given the pneumatology ; to Glasgow, the general and special ethics ; and to the two Colleges of Aberdeen the general and special physics. The treatises were written and placed before the commissioners of parliament in 1697, who were empowered to revise them. Two of these productions were printed in London in 1701. The one produced in Edinburgh is entitled "An Introduction to Metaphysics," and contains fifty-six pages ; the other from St.

[32] *Acts Parl. Scot.*, Vol. IX., pp. 163-164.
[33] *Printed Mun. of the Univ. of Glasgow*, Vol. II., p. 531.

Andrews, "An Introduction to Logic," of the same size. But no more was heard of the project, and it produced no practical effect on the course of university education. In short, these compends, and the views which they expressed, may be regarded as the closing words of the regenting system, and of the older method of philosophical teaching in the Scotch universities. The leading peculiarity of this method has been pointed out in the previous volume.[34] The professorial system was finally instituted in Glasgow in 1727: it was introduced there by Melville in 1577, but regenting was resumed in 1642; in Edinburgh in 1708; in St. Andrews, 1747; but in Aberdeen the regenting continued till 1754.

The chief point of difference between this system and that of the regents is the limiting of the teaching of the professor to a special subject, out of the many subjects which the regent had to teach. Then in the newer system, the professor is not usually restricted to the teaching of specific books, but may arrange and develop his subject as he thinks fit, and in his lectures contribute what he can to its progress. Thus the professorial system allows the instructor full freedom to exert his powers in presenting the various points and relations of his subject, as well as its special exposition and practical applications. But the mode of instruction in the universities will be fully explained in the next volume, in connection with the history of Scottish philosophy.

In what is usually termed the fine arts, Scotland long remained behind other modern nations. Indeed the circumstances of the nation were exceptionally unfavourable to the growth of art. There was too much internal strife, too few of the elements of wealth, too little culture or love of refinement, or elevated ideal feeling, among the Scotch aristocracy, to prompt and encourage art; even though the Scots naturally possessed aptitude for art, the conditions for its encouragement and realisation did not exist. Hence the seventeenth century produced only one eminent Scottish artist, George Jamesone.

George Jamesone, a son of Andrew Jamesone, master mason, was born in Aberdeen about the year 1588, and was the first Scottish painter who attained to historic character. He received his early education at the Grammar School of Aberdeen. On leaving the school in 1601, it seems probable that he studied for some time at

[34] Mackintosh's *Hist of Civilis. Scot.*, Vol. II., p. 407, 416.

Marischal College. At the age of eighteen years he probably had fixed on his calling, and commenced to try his hand and eye in drawing and painting. Strictly speaking, he could have had no teacher, and only a few primitive examples to stimulate him. Little is known of Jamesone's early career as an artist. "Who first encouraged the young artist with the responsibility of perpetuating their features on canvas or panel we do not know, but a test of his quality as a faithful painter would quickly justify their trust in him, and induce that current of popularity which never forsook him, but went on ever broadening till his death. . . . Jamesone's merit in a great measure, consists in this, that without examples worthy of mention, without a master of any kind, and, probably, with very poor materials—with nothing, in short, but his own sense of the beautiful, and a strong determination to arrest it by his brush—he reached such a degree of excellence. . . . Ten years, then, of assiduous work brought their legitimate rewards of improvement and appreciation. . . . Something like a fatality seems to exist in obliterating almost every historical proof of Jamesone's early career and movements. It follows us when we seek to verify the tradition that he went to Antwerp and entered the study of the famous Rubens, where he met, among others, the brilliant Vandyck, the prince of portrait painters. But whilst there is no positive evidence, there is at the same time no moral doubt. The only doubt on the subject of his having studied abroad is as to the date." It seems probable that Jamesone went abroad in 1618, and returned home about the year 1620.[35]

Jamesone established himself as a portrait-painter in his native city in 1620, and several references to him occur in the Burgh Records. In 1621 he produced a portrait of John Stewart, Earl of Traquair; it is a bust portrait representing the Earl as a man past middle age. From this time onward Jamesone was busily engaged. His early patrons were chiefly local and north country people; and subsequently some of the southern nobles and gentry patronised him. On the occasion of the coronation of Charles I. at Edinburgh in the summer of 1633, Jamesone visited the capital, and was introduced at Court. Charles sat to Jamesone for his portrait, and the King was highly pleased with it. It was said that he presented to the artist a diamond ring from his own hand as a special mark of his

[35] Bullock's *Life of Jamesone*, pp. 36-45. 1885.

approval. The picture of the King was a full length figure, but it is lost. Amongst many other persons of rank whom Jamesone met during his visit to Edinburgh, Sir Colin Campbell of Glenorchy, the chief of the house of Breadalbane, was the most important. Campbell became an appreciative patron and a warm friend of the artist. Sir Colin was a man of culture and an admirer of art. Jamesone painted many portraits for him; and nineteen specimens of the artist's work are still in Taymouth Castle.

In May, 1635, Jamesone acquired from the town council of Aberdeen a lease of a piece of ground lying along the banks of the Denburn valley, which he laid out as a garden, and erected a summer house in the middle of it.

Jamesone's usual scale of prices was, for a half length portrait, twenty merks, if he provided a gold-gilded frame the price was twenty pounds. In making arrangements for a list of sixteen portraits for Sir Colin Campbell, Jamesone said in the postscript to his letter :— "If I begin the pictures in July, I will have the sixteen ready about the last of September." Sixteen portraits in three months was pretty rapid work. It has beeu calculated that "In full employment, and at his own prices, Jamesone was making a very good annual income of not less than £1000 or £1500 a year."[36] Considering the position of the nation this was a handsome sum.

In Mr. Bullock's interesting and valuable work a very careful catalogue of Jamesone's works is presented, accompanied with much interesting information. The list includes one hundred and eighty-six well authenticated works of Jamesone, and indicates where they were preserved in 1885. Amongst these may be mentioned, a half length portrait of the Marquis of Montrose, dated 1640; a half-length portrait of General Alexander Leslie, the commander-in-chief of the Covenanters: George, first Marquis of Huntly; George, second Marquis of Huntly; Lord Loudon; Sir Archibald Johnston of Warriston; and a fine portrait of William, sixth Earl Marischal. Jamesone was working for the Haddington family in 1644. In the autumn of that year he died at Edinburgh, and was interred in the Churchyard of Greyfriars.

Jamesone's style was comparatively simple and uniform. The greater part of his portraits are half-lengths. "The face is a three-quarter, looking to the sitter's left." The head is usually somewhat

[36] Bullock's *Life of Jamesone*, pp. 91-93.

smaller than life-size, which slightly detracts from the dignity of the portraits. The drawing of the face is mannered, though presenting a naturalness of expression; the eyes are well formed and restful; the nose long; and the corners of the mouth slightly turned up. Hands are seldom introduced.[37]

His chief merit lay in portraying the human countenance, and in making it appear as if animated by a soul within; he concentrated his power on the face and the head: he rarely introduced accessories to arrest attention.

It was reported that Michael Wright had been a pupil of Jamesone's, but there is no evidence of this; and it seems unlikely that he really trained any one to his art. Wright was an artist of some note, and went to London when a youth, and it does not appear that he returned to Scotland. Thomas Murray was born about the year 1666. He studied under John Riley, painter to King William. Murray was an eminent painter of portraits, and was very successful in his profession. He died in 1724. John Scougal had an extensive practice as a portrait painter in Edinburgh in the latter part of the seventeenth century. Three full-length portraits by him, representing William III., Queen Mary, and Queen Anne, are in the Glasgow Collection. He died at Prestonpans in 1730.

The art of architecture showed some progress in the seventeenth century, despite the unfavourable conditions of society. But there is little information as to the names of architects in any branch of the art before the eighteenth century; although the names of certain persons, called masters of works, occasionally occurs in the national and local records. Sir William Bruce was the son of Robert, third baron of Blairhall. He was trained abroad; and appears as architect to Charles II. in 1671. He prepared designs for rebuilding a part and restoring the palace of Holyrood. He had intended the interior of the quadrangle to be finely decorated, but this was not carried out, because "his Majesty thinks the way proposed for the inner court would be very noble, but he will not go to that charge; and therefore his pleasure is that it be plain ashlar, as the front is, with table divisions for storeys; and if that be deemed too great an expense, his Majesty will rest satisfied if it be good handsome rough work, with handsome mouldings for the windows

[37] Bullock's *Jamesone*, p. 115.

and table divisions for the storeys." This work was completed in 1679 at a cost of £127,000 Scots. Sir William planned Hopetoun House, Linlithgowshire, which was commenced in 1698, but not completed for several years. He also designed several other mansions and buildings, and died in 1710.[38]

[38] *Notes on Early Scottish Architects, in Transactions of the Architectural Institute of Scotland*, Vol. I., pp. 64-67.

CHAPTER XXXIV.

Outline of European Philosophy in the Seventeenth Century, and the early part of the Eighteenth.

HAVING in the second volume of this work referred to the state of philosophy in relation to the Reformation, and the influence of that revolution in stimulating inquiry, an outline of the philosophic thought of Europe in the seventeenth century and the early part of the eighteenth will be an appropriate introduction to the subsequent history of Scottish philosophy. This will enable us to estimate the position and the claims of Scottish philosophy. Although the stream of European thought seems to run in several channels, these meet and influence each other at many points, and thus it is impossible to attain a just appreciation of the philosophy of one school or nation, without some general knowledge of the preceding and contemporaneous schools. So far as we know, there is nothing in the universe completely isolated, as all systems of philosophy are more or less related to each other, an entirely original idea is a rare phenomenon. But the field thus opened is exceedingly wide, and cannot be covered within the limits at my disposal. Therefore, it is to be distinctly understood that the aim of this outline is only to indicate the historical antecedents of the philosophy which subsequently arose in Scotland,—a matter of such interest and importance as to justify the attempt to elucidate its historic significance and relation to preceding systems of thought.

After the series of struggles which issued in the Reformation, the human mind continued to strive after independence and freedom for more than a century. Most of the philosophers of the sixteenth century were scholars and men of research, rather than unfettered thinkers, and exerted themselves in collecting old MSS., translating, annotating, and lecturing on the writings of Aristotle and Plato, while some of them manifested a tendency to theosophy, and others to materialism and scepticism. The veneration for the opinions of antiquity and the shackles of authority were not easily broken, and many curious moves were made ere reason and common-sense

attained sway. At length men began to enter more and more on independent investigation of nature and mind, and the problem of moral freedom.

When undeterred by fear, interest, or authority, the human mind is the most powerful and wonderful agent in the universe. This was anew exemplified in the rapid development of mathematical science, and the adoption of more accurate methods of investigation in the seventeenth century, and ever since the progress of discovery and of invention have been continuous. It is my task to indicate briefly some of the intense wrestlings of those strong and exalted minds who have contributed to weaken the power of traditional authority, to brave the force of ignorance, of biting scorn, and of death itself.

Giordano Bruno was one of the boldest thinkers in the sixteenth century. Born at Nola—in the province of Naples—in 1548, he entered the Order of the Dominicans, but relinquished it when he found his convictions in conflict with the doctrines of the Church. From that time onward he lived a wandering life, sometimes sojourning in France, in England, in Germany, and sometimes in other countries. But having returned to Venice, he fell into the hands of the Inquisition in 1592, and after suffering a long imprisonment in Rome, was tried for heresy, condemned, and burned in 1600.

He was a voluminous author, and wrote both in Italian and in Latin, but several of his treatises and tracts have been lost. He was gifted with a lively, warm, and exuberant imagination, which often impelled him to express his views in a poetical form, and thus sometimes he embodied his thoughts in a haze of clouds; at other times, however, he delivered his opinions with remarkable force and clearness. The elements of sympathy were excessively strong in him, and entered into his modes of thought and coloured all his philosophic efforts.

Bruno boldly essayed the reconstruction of the universe on the principle of the unity and universality of substance. In astronomy he embraced the Copernican view, and expounded it. According to him, the universe is infinite in time and in space, the solar system being merely one of innumerable worlds, of which God is the original and immanent cause. The attributes of God are power, wisdom, and love. The stars are not moved by a prime mover, but by the souls inherent in them. He rejected the idea of a dualism of matter and form, and identified the form or moving cause with the end and matter of all organic things; thus matter contains in herself the

forms of all things, and brings them forth from her own bosom as the travailing mother expels her offspring. The elements of all that exists are the monads, which are a kind of points, not entirely unextended but spherical, and at once material and psychical. The soul is a monad, and it is never wholly without a body. God is the monad of monads, and He is the least, as all things are external to Him, and the greatest, because all things are in Him. God caused the worlds to spring out of Himself, not by an act of mere will, but by an inner necessity, moving freely and without any compulsion. The worlds being nature realised, and God nature working, thus God is present in all things. Each of the worlds is perfect in its kind, and there is no positive evil. All individual objects and living organisms are subject to change, but the universe remains in its entire perfection always like itself.

Bruno's philosophy is full of the unity of being, which is the principle and end of all philosophy. God is the infinite All, the One, the prime and universal substance, of Himself, excluding all delimitation, and is not to be sought beyond the universe and the infinity of things. "Why think of any twofold substance, one corporal and another spiritual, when in sum these have but one essence and one root, for corporal substance, which manifests to us that which it involves, must be held a thing divine, parent of natural things; and if you think aright, you will find a divine essence in all things." Yet he occasionally speaks of the supernatural. "The highest contemplation which transcends nature is impossible and null to him who is without belief, for we attain to this by supernatural, not by natural light; and such light they have not who hold all things to be corporal, and who do not seek Deity beyond the infinite world and the infinity of things, but within this and these." [1]

It is obvious that Bruno's philosophy is a form of pantheism, one of the most fascinating systems of thought ever propounded. The system originates from the difficulty of conceiving the action of the mind or thought except when conjoined with a body—an insuperable

[1] The works in which Bruno chiefly developed his system were written in Italian, and of these the most important is the "Della Causa, Principio et Uno," 1584, and in the same year appeared his "De l'Infinito Universo e Mondi." A complete list of his writings is given in the second volume of Ueberweg's *History of Philosophy* (p. 469). In the present century the extant writings of Bruno have been carefully studied and ably expounded by several eminent writers and historians of philosophy.

and far-reaching difficulty, because there is no direct evidence anywhere of a mind operating without the conjunction of an organism. Hence the strong temptation to identify God and the universe in one idea or principle: that is, the universe is God, and God is the universe. This is a proposition which imparts no light, but it is, nevertheless, the fundamental idea of the system which figures the external substance of the universe as God, from which step by step all things have issued. Thus the prime idea of pantheism is a constant quantity or unity, although the developments of the system in the hands of different thinkers has assumed varied modifications in detail.

Bruno's views have influenced the subsequent developments of several once famous philosophies. The noted Spinoza was indebted to him for several of his ideas, but the fundamental idea of pantheism is much older than the times of either of the two philosophers, as it stretches back to an early period in the evolution of human thought. Through Spinoza's system German speculation has been largely influenced, and even some recent Scottish speculations bear distinct traces of a similar descent.

In France, during the latter part of the sixteenth century, the Jesuits were the most active instructors and disseminators of doctrine. Their schools were planted in all the chief towns of the nations. They encouraged the study of classical literature, and prepared the best text-books and lexicons. But they were a conservative and obstructive body, and wielded much influence over the intellect of the French. At the same time a form of ancient scepticism was revived in France by Montaigne. "In fact, Montaigne represents, if he did not inaugurate, the school of French satirists, who, standing between, as it were, Calvin and Rabelais, avoided both the coarseness and abandon of the latter, and the ascetic sternness and awkward pleasantries of the former.'[2] His sceptical views were more or less directed to the doctrines of Christianity, but from whatever motive or reason, he generally concluded with a recognition of the necessity of a revelation, and thus avoided a conflict with theology. In their ultimate result his reflections pointed to such conclusions as—whether we are not a rather presumptuous class of beings in fancying that we have any higher faculties than those which are bestowed on other animals; whether the pursuit of truth

[2] Van Laun's *History of French Literature*, Vol. II., pp. 299-300.

may not be a pleasant amusement, rather than one that promises any result; whether religious forms may not be serviceable to the business of life, and therefore to be defended; whether they do not become mischievous when they lead to conflicts and to persecutions; whether a full recognition of our folly, ignorance, and uncertainty, might not save us from the dogmatism which produces such things? A similar strain of thought was indulged in by Charron and other French writers.[3]

Another Frenchman, Gassendi, undertook the defence of Epicureanism, showing that it contained the best doctrine of physics, and also attempting to combine it with Christian theology. In physics, he embraced the theory of atomism; but he saw its weak side, namely, the difficulty of explaining the derivation of sensation out of atoms and space. He discussed this problem at great length, but admitted that there was something left unexplained. He was a voluminous writer.

Gassendi has been claimed by the historians of materialism as the chief reviver of systematic materialism in modern times. "We lay especial stress upon this, that Gassendi drew again into the light, adapted to the circumstances of the time, the fullest of the materialistic systems of antiquity, that of Epikuros." Again, in reference to his historical qualifications, "Gassendi, whose thorough philological and historical training equipped him with a knowledge of all the systems of antiquity, embraced with a sure glance exactly what was best suited to modern times, and to the empirical tendency of his age. Atomism, by his means drawn again from antiquity, attained a lasting importance, however much it was gradually modified as it passed through the hands of later inquirers." Once more, "Gassendi is, of all the most prominent representatives of materialism, the only one gifted with a historic sense, and that he has in an eminent degree. Even in his 'Syntagma Philosophicum,' he treats every subject at first historically, from all possible points of view."[4]

[3] Montaigne's *Essays*. He states himself that Buchanan was one of his preceptors; and some traces of this Scotsman's opinions may be found in the easy and self-satisfied Frenchman's writings.

[4] Lange's *History of Materialism*, Vol. I., pp. 253-269. "The evolution and dissolution of things is nothing but the union and separation of atoms. When a piece of wood is burned, the flame, smell, and ashes, and so on, have already existed in their atoms, only in other conditions. All change is only movement in the constituents of a thing, and hence the simple substance cannot change, but only continues its movements in space."—*Ibid.*, p. 267.

Descartes was born in 1596 at La Haye, in the province of Touraine. At the age of eight he was sent to the Jesuit College of La Flèche, and placed under the instruction of the Jesuits, where he remained for eight years, and received his general education. He was a contemporary of Gassendi, and a more famous philosopher; each represented opposite systems and assailed one another, but neither of them influenced the other in his views. The two were contrasted in every way. Descartes always aimed at being original, and often was so, while Gassendi was more historical and dependent, and more learned, but he lacked the genius of his contemporary; both, however, were the fathers of great modern schools of thought. In philosophy and in scientific method, the real turning-point came in the early part of the seventeenth century, and in the great movement Descartes holds a foremost place, entitling him to some account, however brief, in this exposition.

Descartes was eminent both as a philosopher and as a mathematician; in the latter department of science he takes a position among the great mathematicians of the seventeenth century. In algebra he was the first to place the doctrine of powers on a clear basis, freeing it from its dependence on geometry, which prevented its proper expansion; while, by introducing the index notation, he gave the science a new and potent means of expression. He also advanced the treatment of negative quantities, and first brought into prominence the equal significance of the negative roots, and for determining a limit to their number, gave the rule which still bears his name. But his fame as a mathematician rests chiefly on his application of algebra for "the expression of continuously varying quantity." By this invention he may be considered as the founder of analytic geometry, or the algebraic treatment of curves, and he is well entitled to a place in the history of the mathematical achievements which ultimately led to the discovery of the Differential Calculus.[5]

In physics, his achievements were mainly in the science of optics.

[5] *Descartes*, by J. P. Mahaffy, pp. 207-209, 1880. It was a curious feature in the character of Descartes that he designedly so composed his Essay on Geometry as to be very difficult, "and only understood by mathematicians of a high order. He omitted what was obvious, and in the solving of problems only gave the means of solution, and not each step in the demonstrations. He even chuckles in his letters at the number of professed mathematicians who were unable to follow his arguments, and tells us that not a single professor in the new universities of Holland was able to open his mouth upon the subject."

He at least contributed to the discovery and statement of the law of refraction, though his independent discovery of this law has been keenly disputed. He explained the colours of the rainbow, and it appears that he originated the undulatory theory of light. But his positive contributions to science were not the most important elements of his philosophy, as its influence sprang more from its spirit and method, which were the expression of his own acute and determined mind.

Descartes' philosophy is fundamentally a deductive system, based on mathematical principles, but in its development it assumed the form of a methodical and rather dogmatic rationalism. Although the initial steps of his method are founded in doubt, this is not the most distinctive feature of his philosophy. His doubt, at the threshold, merely gave him the data of his own thought and existence, and enabled him to assert a right to discard authority, and to erect a standard independent of all former times and thinkers. In the development of his system he attempted to find the ultimate principle in the order of synthesis, which would afford the conditions of philosophy and of science, or that something which is the highest of all. This principle must be self-evident, and Descartes found it in his famous "cogito ergo sum;" then he struggled hard and determinedly to connect this with the idea of God, and thus associating the criterion of truth with the perception of Deity, makes the one in a sense dependent on the other. In his first published work, which appeared in 1637, and marks an epoch in the history of human thought, he enunciated four rules of method in the following order:—"1. Never to accept anything as true which was not clearly known to be such; that is, carefully to avoid precipitancy and prejudice, and to include nothing more in my judgment than what was presented to my mind so clearly and distinctly as to exclude all ground of doubt. 2. To divide each of the difficulties into as many parts as possible, and as might be necessary for its adequate solution. 3. To conduct my thoughts in order, by commencing with objects, the simplest and easiest kind to know, that I might ascend by degrees, as it were, step by step, to the knowledge of the more complex; assigning in thought a definite order even to objects which in their own nature do not stand in a relation of antecedence and sequence. 4. In every case to make enumerations so complete, and reviews so general, that I might be assured that nothing was omitted."[6] This work was entitled, "Dis-

course on the Method of Rightly Conducting the Reason and Seeking Truth in the Sciences; also the Dioptrics, the Meteors, and the Geometry, which are Essays in this Method." Thus Descartes introduced his Method to the world with the recommendation of his own discoveries in mathematics, and with the solution of problems which were then beyond the reach of ordinary minds, as was indicated in the last note. The three essays presented as applications of his Method have long been superseded or absorbed in later works, but the discourse on Method will always be valuable. The volume containing the whole was written in French, which in that day was itself a bold innovation.

The Discourse on Method though only a short treatise, which might be read at a single sitting, nevertheless was a memorable proclamation against the ages of inert formalism, and the thraldom of the human mind. It contains details relating to the formation of his opinions, and the beginning of the development of his system. It is a book of absorbing interest, and should be carefully read by every student of philosophy. It is divided into six parts, which treat of the following topics:—1. Various considerations touching the Sciences. 2. The principal rules of the author's method, the heads of which I have stated above. 3. Some rules of morals deduced from this method. 4. His reasonings establishing the existence of God and of the human soul. 5. The order of the questions in physics, the explanation of the motion of the heart and of some other difficulties, as also the difference between the soul of man and that of the brutes. 6. What he believes to be requisite in order to greater advancement in the investigation of nature than has yet been made, with the reasons that have induced him to write. I had transcribed several passages for quotation, but space forbids their insertion; and as the work is now easily accessible to English readers, long quotations are unnecessary. But to lighten the exposition, I may briefly dispose of some of his peculiar views touching the organisation of man and the lower animals.

He adopted a mechanical theory of the universe, attributing to matter only pressure and impulsion, by which to explain all material phenomena. Then developing his theory in accounting for life, plants, and animals, he ultimately arrived at the conclusion that the functions and actions of animals and living organisms are purely the

[6] *Discourse on Method*, Part II.

result of heat and motion, as mechanically as the going of a clock is the result of cog-wheels and pulleys. Thus man so far as his body is concerned, is merely an automaton, while all the lower animals are automatons, mere machines, constructed by the Deity according to the general laws which He has impressed upon matter: they have no rational soul, as they use no language, or perform any actions which cannot be proved to be the direct result of their internal organism.

Touching the origin of the human soul, he followed the very old notion of supposing that God infused a soul into every human being at the first moment of its existence, and thus the soul was radically distinct from the body, though closely united with it. As an unextended entity, however, the soul can be in contact with the body only at one point, which is the brain, or more precisely, in the single centre of the mass, the conarium, or pineal gland. He says, "Although the human soul is united to the whole body, it has, nevertheless, its principal seat in the brain, where alone it not only understands and imagines, but also perceives, and this by the medium of the nerves, which are extended like threads from the brain to all the other members, with which they are so connected that we can hardly touch any one of them without moving the extremities of those nerves which are collected in the brain round the seat of the soul." Again, "It is clearly established, however, that the soul does not perceive in so far as it is in each member of the body, but only so far as it is in the brain, when the nerves by their movements convey to it the diverse actions of external objects that touch the parts of the body in which they are inserted."[7]

The Discourse on Method contained in a condensed form the principles and chief characteristics of Descartes' system, and it was followed by his "Meditations," which were published in 1641. As the subject was so full of difficulties, and thus liable to much misunderstanding and misconception, he had manuscript copies of his "Meditations," submitted for criticism to some of the most learned men and philosophers of the time, among whom were Gassendi, Arnauld, Hobbes, and others. A summary of their objections, with his replies, was published, and many of their criticisms were able and just. But Descartes so firmly believed in his own system, and was so convinced that he saw it all clearly and distinctly, that he could hardly be moved to change any of his settled ideas. He simply

[7] *Princ. Philos.*, IV., 189, 196.

wanted these learned men's objections, that he might refute them, and thus more effectually establish the certainty of his own system in other minds. To the Catholic theologians only, for the sake of their patronage and peace, he conceded some trifling points.

The Meditations are an expansion of the metaphysics of his Discourse on Method, and the work embraced six meditations, which treat on the following subjects: "Of the Things of which we may Doubt; of the Nature of the Human Mind, and that it is more easily known than the body; of God, that He Exists; of Truth and Error; of the Essence of Material Things, and of God; of the Existence of Material Things, and of the real distinction between the mind and body of man." In his preface to these Meditations he says: "Now that I have once, in some measure, made proof of the opinions of men regarding my work, I again undertake to treat of God and the human soul, and at the same time to discuss the principles of the entire First Philosophy, without, however, expecting any commendation from the crowd for my endeavours, or a wide circle of readers. On the contrary, I would advise none to read this work unless such as are able and willing to meditate with me in earnest, to detach their minds from commerce with the senses, and likewise to deliver themselves from prejudice; and individuals of this character are, as I well know, remarkably rare. But with regard to those who, without caring to comprehend the order and connection of the reasonings, shall study only detached clauses for the purpose of small but noisy criticism, as is the custom with many, I may say that such persons will not profit greatly by the reading of this treatise; and although, perhaps, they may find opportunity for cavilling in several places, they will yet hardly start any pressing objections, or such as shall be deserving of reply."

Thus the Meditations were intended to be a discussion on the first or fundamental principles of philosophy, but their main drift is to prove that the knowledge of God and of the mind is the most certain of all things. This was attempted in two ways: first, by showing the uncertainty of all our knowledge of bodies, and then by presenting demonstrations of our own existence as thinking beings, and of the existence of the Deity. The first Meditation expounded the grounds on which we may doubt of all things, and especially of all material objects. After showing the uncertainty of all things, save some points in arithmetic and geometry, he affirmed his own strong belief in the existence of an all-powerful God, who created him such

as he was, and then says: "If, however, it were repugnant to the goodness of God to have created me subject to constant deception, it would seem likewise to be contrary to his goodness to allow me to be occasionally deceived, and yet it is clear that this is permitted. Some, indeed, might perhaps be found who would be disposed rather to deny the existence of a Being so powerful than to believe that there is nothing certain. But let us for the present refrain from opposing this opinion, and grant that all which is here said of God is fabulous, nevertheless, in whatever way it may be supposed that I reached the state in which I exist, whether by fate, or chance, or by an endless series of antecedents and consequents, or by any other means, it is clear (since to be deceived and to err is a certain defect) that the probability of my being so imperfect as to be the constant victim of deception, will be increased exactly in proportion as the power possessed by the cause, to which they assign my origin, is lessened. To these reasonings I have assuredly nothing to reply, but am constrained at last to avow that there is nothing of all that I formerly believed to be true of which it is impossible to doubt." Having now disposed so far of all material objects, in the second, he repeats his argument affirming from the fact of doubt, our own existence as doubting beings. "But what, then, am I? A thinking thing, it has been said. But what is a thinking thing? It is a thing that doubts, understands, affirms, denies, wills, refuses, that imagines also, and perceives. Assuredly it is not little, if all these properties belong to my nature. But why should they not belong to it? Am I not that very being who now doubts of almost everything, who, for all that, understands and conceives certain things, who affirms one alone as true, and denies the others, who desires to know more of them, and does not wish to be deceived"; and so on in the same line of argument. He next showed that external objects can only be known when they become or are made the objects of thought, and then makes a vigorous effort showing that mind itself is more clearly known than any or all the objects of the external world. "But, finally, what shall I say of the mind itself, that is, of myself? for as yet I do not admit that I am anything but mind. What, then? I who seem to possess so distinct an apprehension of the piece of wax,—do I not know myself, both with greater truth and certitude, and also much more distinctly and clearly? For if I judge that the wax exists because I see it, it assuredly follows, much more evidently, that I myself am or exist, for the same reason, it is possible that what I see may not in truth be wax,

and that I do not even possess eyes with which to see anything; but it cannot be that when I see, or, which comes to the same thing, when I think I see, I myself who think am nothing. So, likewise, if I judge that the wax exists because I touch it, it will still also follow that I am, and if I determine that my imagination, or any other cause, whatever it be, persuades me of the existence of the wax, I will still draw the same conclusion. And what is here remarked of the piece of wax is applicable to all the other things that are external to me."

In the third Meditation he unfolded his chief argument for the existence of God. He insisted that as the idea of God in the human mind is innate, God himself is its cause. And he described God thus:—"By the name of God, I understand a substance infinite, eternal, immutable, independent, all-knowing, all-powerful, and by which I myself, and every other thing that exists, if any such there be, were created." Here he associates God, or the idea of God, with his own criterion of truth. In the fourth, he proceeded to show that all which we clearly and distinctly perceive must be true, and then explained the nature of intellectual error. Referring to the will as the cause of error, he says: "I have no reason to complain because God has given me a will more ample than my understanding, since, as the will consists only of a single element, and that indivisible, it would appear that this faculty is of such a nature that nothing could be taken from it without destroying it; and certainly, the more extensive it is, the more cause I have to thank the goodness of Him who bestowed it upon me. . . For as often as I so restrain my will within the limits of my knowledge, that it forms no judgment except regarding objects which are clearly and distinctly represented to it by the understanding, I can never be deceived, because every clear and distinct conception is doubtless something, and as such cannot owe its origin to nothing, but must of necessity have God for its author—God, I say, who, as supremely perfect, cannot, without a contradiction, be the cause of any error, and consequently it is necessary to conclude that every such conception or judgment is true."

He began the fifth Meditation by expounding the essence of material things, giving some examples from quantity and form. And he asserted that the figure of a triangle and other mathematical figures possess a certain determinate form, or essence, which is immutable and eternal; and again repeated that what-

ever is clearly and distinctly perceived is true, truth being identical with existence. He then proceeded to demonstrate in a somewhat new form his arguments for proving the existence of God, and making all knowledge dependent upon this. "But I remark further that the certainty of all other truths is so absolutely dependent on it, that without this knowledge it is impossible ever to know anything perfectly. . . And thus I very clearly see that the certainty and truth of all science depends on the knowledge alone of the true God, inasmuch that, before I knew him, I could have no perfect knowledge of any other thing. And now that I know him, I possess the means of acquiring a perfect knowledge regarding innumerable matters, as well relating to God himself and other intellectual objects as to corporeal nature." In the sixth he explained the difference between imagination and pure intellection; reviewed the errors of the senses, pointing out the means of avoiding them, the distinct difference of the mind and the body, and their relation to each other, and then adduces the evidence from which the existence of the external world may be inferred, and all with the aim of showing that our knowledge of external objects is not so clear and distinct as the knowledge which we have of our own minds and of God. Thus far I have attempted to explain Descartes' own efforts to develop his philosophy.

But it is in his work entitled *The Principles of Philosophy*, written in Latin, and published in 1644, that he developed his theories and ideas systematically, and gave the most complete exposition and representation of his system.[8] In this work he expounded his philosophy synthetically. It is divided into four parts, which treat consecutively of the principles of human knowledge, of the principles of material things, of the visible world, and of the earth. The first part contains an orderly summary of his metaphysical views, repeating what had been stated in the Discourse and the Meditations, and adding some new elucidations. And it is chiefly to this part that I must direct attention, as being most consonant to the aim of this chapter.

But not to leave his physics altogether unnoticed, the following is a brief indication of his physical theory. Basing his ideas on mathe-

[8] In a long preface to the French translation of his *Principles of Philosophy*, which appeared in 1647, Descartes enters at some length on several topics of an interesting character, which are still well worth reading.

matics, he boldly asserted that extension is an eternal attribute of matter, and that to us it is the very essence of matter. "Give me extension and motion," he exclaims, "and I will construct the universe." Matter is infinite or unlimited in space or time, and it is everywhere identical with extension, all differences of quality being simply produced by a different mechanical composition, and a difference of motion in its parts.

In the second part of his Principles, he reduces all the phenomena of nature to variations of size, figure, and motion, in the minute particles of a homogeneous matter, there being but one kind of matter in the whole universe. He gave special laws of motion, which are now superseded. In the third part he treated on the theory of the solar system, and on the nature and origin of the fixed stars, and assuming three elements of various density in degree, explained the whole universe by the theory of vortices or of circular motion. In the fourth part he treated of the earth and its formation, of water, fire, and other matters.

"When he gives *a priori* explanations of all manner of phenomena in heaven and in earth, deduced from the motion of diverse particles, he confesses that the plurality of causes which may produce the same effect is his great difficulty. He feels that endless time and outlay is required to verify his theories by crucial experiments, and till that has been done, he can offer nothing but the satisfactoriness and simplicity of the explanation as a guarantee of its truth. Once, indeed, he advances the statement that the veracity of the Deity would come into question if he permitted us to be deceived in following such strict and sober demonstrations. But in general the distinction of purely mathematical and physical proof is acknowledged by Descartes, and he confesses the possibility, though he never admits the fact, that he might be mistaken."[9]

The most notable peculiarities of Descartes' metaphysics are his conception of God and his definition of Substance. He says that in the concept of God is comprised absolutely necessary and external existence, while our concept of other things merely includes contingent existence. God is also omniscient, all-powerful, absolutely perfect, absolutely veracious, and the source of all light, "so that it is plainly repugnant for him to deceive us."[10] He exerted his great powers to make this clear, and if his premisses were true,

[9] *Descartes*, by J. W. Mahaffy, p. 163.

[10] *Princ. Philos.*, I. 22, 23, 29.

the conclusions of course would follow, but his assumption of an innate idea of God in the human mind of such a character as he assigned to it, is nowhere to be found save among a small section of the most cultivated of the race. Besides it is very questionable if this idea of God be obtained at all in the way which he maintained. Then he defined substance thus: "By substance we can conceive nothing else than a thing which exists in such a way as to stand in need of nothing beyond itself in order to its existence. And, in truth, there can be conceived but one substance which is absolutely independent, and that is God." We perceive that all other things can exist only by the concourse of God; and, accordingly, the term substance does not apply to God and the creatures in the same sense, and no meaning of this word can be distinctly understood which is common to God and them. Created substances, however, of all kinds may be conceived as things existing by the concourse of God, but existence by itself is not observed by us. Every substance has one principal attribute, as thinking of the mind, extension of the body. Thus extension in length, breadth, and depth constitutes the nature of corporeal substance, and thought the nature of thinking substance. For everything else that can be attributed to body presupposes extension, and is only some mode of an extended thing, just as all the properties which we discover in the mind are only different modes of thinking.[11]

His doctrine of the concourse of God is thus explained: "Because I was in existence a short time ago, it does not follow that I must now exist, unless in this moment some cause create me anew as it were, that is, conserve me. In truth, it is perfectly clear and evident to all who attentively consider the nature of duration, that the conservation of a substance, in each moment of its duration, requires the same power and act that would be necessary to create it, supposing it were not yet in existence; so that it is manifestly a dictate of the natural light that conservation and creation differ merely in respect of our mode of thinking and not in reality." Again, "From the fact that we now are, it does not necessarily follow that we shall be a moment afterwards, unless some cause, namely, that which first created us, shall, as it were, continually recreate us, that is, conserve us. For we easily understand that there is no power in us by which we can conserve ourselves, and that the being who has so much

[11] *Princ. Philos.*, I., 51, 52, 53.

power as to conserve us out of himself, must also by so much the greater reason conserve himself, or rather stand in need of being conserved by no one whatever, and, in fine, be God."[12]

It is pretty evident that the above view of substance contained an element of pantheism. Since that substance which exists entirely in itself and absolutely independent of aught beyond itself, is declared to be God; and since there is only one kind of matter in the universe, the sum and essence of substance being included in extension, what is God but the universe. Hence Spinoza adopted this Cartesian conception, and placed it at the summit of his pantheistic system of the universe; while Descartes' doctrine of conservation or continuous creation seems to have suggested to his distinguished follower Geulinx the doctrine of Occasional Causes; and Malebranche also made a modification on the former doctrine in his own theory of seeing all things in God, who is the place of spirits.[13] In truth, Descartes' theory of the relation of body and mind, even when supported by divine conservation, was unsatisfactory and scarcely conceivable.

Touching his first principle, and the criterion of truth, which are involved in each other, he said :—"I think, therefore, I am, and this proposition is of all others the first and most certain which occurs to one philosophising orderly." Thus knowledge must begin with a definite act of a conscious being, self-revealed in the conscious act. He did not, indeed, analyse the conditions of the object of which the self-conscious being takes notice, or trace how the conscious act has originated. Nevertheless, it was an important step towards placing investigation on the true basis of conscious experience; though, of course, on the subjective and notional side, it has often been carried to extremes, and was so in the end by Descartes himself. He endeavoured to deduce a criterion of truth from his first certain proposition, and this he founded on clearness and distinctness of knowledge. This test he defined in these words :—"I call that clear which is present and manifest to the mind giving attention to it, just as we are said clearly to see objects when, being present to the eye looking on, they stimulate it with sufficient force, and it is disposed to regard them; but the distinct is that which is so precise and different from all

[12] *Meditation*, III. ; *Princ. Philos.*, I., 21.

[13] Geulinx's *Commentaries on Descartes' Principles of Philosophy;* Malebranche's *De la Recherche*, etc.

other objects as to comprehend in itself only what is clear." As already stated, he called in the veracity of God to support this criterion of truth.[14] But it is vague and comparatively useless in its application, since it must be admitted that the clearness and distinctness of an idea, a conviction, or an opinion, in the mind of the person holding them, is not always a guarantee of their truth; although it is a very good reason for such opinions and ideas being strongly asserted and firmly maintained.

Descartes' metaphysics does not reach the external world by a distinct perception, but by an indirect or mediate inference. First, he resolved to prove his own existence as a thinking being, and then deduced the existence of God from the fact that thinking beings exist who possess the idea of him, before the external world came into view at all. He presented his demonstration of God's existence under three forms, which, however, are all essentially founded on the idea that he himself had of God; and they are neither wholly new nor at all satisfactory, and raised a storm of controversy which raged long and widely.

Turning to Descartes' psychology, which is not separately or exhaustively treated in his writings, and on some points there is a little difficulty in ascertaining his views. He called the mind a thinking substance or thinking thing; the word thought meant all that we are immediately conscious of; and, accordingly, not only to understand, to will, to imagine, but even to perceive, have here the same meaning as thinking. There are only two modes of thinking of which we are conscious, namely, the perception or operation of the understanding, and volition or the operation of the will; thus to perceive through the senses, to imagine, and to conceive purely mental objects, are only different modes of perceiving; but to desire, to be averse from, to affirm, to deny, to doubt, are different modes of willing.[15]

The word perception has a wider meaning in the writings of Descartes and his followers than in the philosophic literature of the present time. With them perception was generally employed to indicate an act of mind by which we apprehended any mental object,

[14] *Princ. Philos.*, I., 45, IV., 206; *Medit.*, IV.

[15] *Princ. Philos.*, I., 9, 32. He says that the simplest self-evident notions are only obscured by logical definitions, as these are not to be reckoned among the cognitions acquired by study, but as born with us. *Ibid.*, 10.

as distinguished from an affirmation or judgment concerning it; and thus in their writings perception is nearly equivalent to cognition. All acts of memory, of imagination, of sense, and of pure intellect, are merely modes of perceiving, as in each we only know as being conscious of the object of the act.

But here we come face to face with the relation of the mind to the objects of its knowledge, which is the crucial problem in philosophy and in psychology. As already implicitly stated above, according to Descartes, the mind has no immediate perception of external objects or of the material world. On the principles of his theory, the mind can have no immediate knowledge of anything beyond its own modifications. Although the mind is only conscious of its own modifications or ideas, still it is not solely modified by its own energy, and in many instances it is affected by the antecedent affections of the body, owing to its junction therewith. Thus some of the modifications of the mind are affections originating from the body, and mainly relative to it; others, though not quite independent of corporeal contact, must be more especially considered as affections of the mind; while others are in themselves purely or absolutely intellectual energies in their origin and in their continuance. The point of alliance of the mind with the body is the brain, at this point all organic changes from external causes terminate, and through these the mind is, owing to the nature of its junction, hyperphysically determined to a relative modification. There also all corporeal movements, at the call of the will, commence, and thus produce the bodily movement answering to the volition of the mind. The mind only perceives objects as its seat in the brain, and not at the point of affection in the organs.[17]

Thus we have only a mediate perception of an external object: a representation of the object is all that is known to us, as it is that only which comes within the seat of the conscious mind. This mental representation of the external object is called an idea.[16] The organic movement at the point of junction in the brain may also metaphorically be called an impression, as it is the result of an external impulse, though at the same time it has no natural

[16] *Princ. Philos.*, I., 48, 53; III., 2, 3; IV., 189, 196-198. Hamilton's *Reid*, note N.

[17] But whether his idea is to be considered as having an existence independent of the mind or not, was a disputed point among Descartes' followers.

resemblance to the external object; it may be termed an image, as in some way suggesting the representation to the mind; or it may be named a corporeal species, though nothing similar to itself is transmitted from the object; or it may be styled an idea, though it is not the immediate object of the mind. If any one say that this theory of mediate perception retains no evidence of the reality of an external world consistent with the representations of our own minds, Descartes replies, that in consequence of our early and deep-rooted prejudices we are led to attribute to the immediate objects of our perceptions an external and chief, instead of internal and vicarious, existence. "Hence arose the belief that there was more substance or body in rocks and metals than in water or air, because the mind perceived in them more hardness and weight. Moreover, the air was thought to be merely nothing so long as we experienced no agitation of it by the wind, or did not feel it hot or cold. And because the stars gave hardly more light than the slender flames of candles, we supposed that each star was but of this size. Again, since the mind did not perceive that the earth moved on its axis, or that its superficies was curved like that of a globe, it was on that account more ready to judge the earth immovable and its surface flat." Of course, he also appeals to the veracity of the Diety.[18]

Descartes used the term idea to denote both mental objects and mental acts, applying it indifferently to a material or a mental modification, in relation to sense and imagination. Hence throughout his writings this term appears under many relations and many different meanings. It is often employed as an object of consciousness, as a representative thought; while sometimes an objective and sometimes a subjective meaning is attached to it, and this in all degrees and relations of mind itself and its objects.

Touching his doctrine of innate ideas, which is a necessary part of his theory of body and mind, the hyperphysical element of his system, which he seems to have deemed requisite to cover and assist the purely mathematical and mechanical principles upon which his philosophy is essentially founded. By innate ideas he meant mental modifications existing in the mind prior to all experience, and that they come into consciousness whenever the mind begins to think and reflect. To the class of innate modifications belong the ideas of God, of substance, of unity, and others. These ideas might remain long

[18] *Princ. Philos.*, I., 66-72.

inactive in the mind, but they always exist in it potentially. And it is in relation to these ideas that the veracity of the Deity is all-important, because a malign Creator could have made us believe innate falsehoods.[19]

His exposition of the senses, or sensation, is comparatively brief, but interesting and important.

In his treatise on the passions, he admitted six primitive passions or emotions, namely, admiration, love, hate, desire, joy, and sadness. From these he sought to deduce all the other passions and emotions, but his exposition is mainly an echo of the views of Aristotle. He, however, stated that the most perfect of all emotions is intellectual love to God.

Touching ethics, Descartes expressly declined to produce a formal work, on the ground that it would be liable to violent and unfair criticism from his opponents; for a similar reason he refrained entirely from treating of religion or of faith, preferring, as he says, to adhere to the faith, and to submit to the authority of the Roman Catholic Church, in which he had been educated from childhood. Yet occasionally in his writings he touches on moral subjects, and in his letters on the sovereign good, in his criticism of Seneca, and in his treatise on the passions, he has indicated his ethical views. But he contributed nothing specially original in this department, as he approached the subject from the ancient standpoint, not from the modern, and he does not treat the question of the moral faculty, or

[19] "With respect to ideas, some of them appear to me to be innate." *Medit.* III. "The mind first of all discovers within itself the ideas of many things . . . the mind also discovers certain common notions out of which it frames various demonstrations that carry conviction to such a degree as to render doubt of their truth impossible, so long as we give attention to them. For example, the mind has within itself ideas of numbers and figures; and it has also among its common notions the principle that if equals be added to equals the whole will be equal, and the like."—*Princ. Philos.*, I., 13.

"In the first place, I discover that it is impossible for God ever to deceive me, for in all fraud and deceit there is some imperfection: and although it may seem that the ability to deceive is a mark of subtlety or power, yet the will testifies without doubt of malice and weakness; and such, accordingly, cannot be found in God. In the next place, I am conscious that I possess a certain faculty of judging or discerning truth from error, which I doubtless received from God, along with whatever else is mine; and since it is impossible that he should will to deceive me, it is likewise certain that he has not given me a faculty that will ever lead me into error, provided I use it aright."—*Medit.* IV.

moral obligation. Still his views, so far as they go, are generally wise and just.

But, as already indicated, the influence of Descartes did not quite depend on the positive results of his philosophy. The emphatic doubt at the threshold of his system was, in my opinion, the most influential element in his philosophy. He had many disciples and many opponents, while theologians generally were his bitterest enemies. Nevertheless, Cartesianism spread in France and held its ground till about the middle of the eighteenth century; while the influence of his system was felt in other countries of Europe, especially in Holland. As for the general tendency of his system in subsequent speculation and in literature, it appeared in idealism, rationalism, and especially in scepticism and nihilism.

The philosopher whose thought I have now to explain, Benedict Spinoza, is an interesting character, sprung from a remarkable race. He was born at Amsterdam, in November, 1632, a Jew by birth, and was carefully educated in the Jewish religion and in the Hebrew language and literature. But his energy of mind soon made him an object of suspicion amongst his brethren, and in his twenty-fourth year he was excommunicated, according to the Jewish ritual, from the Synagogue, and from all intercourse with any of the tribes of Israel.[20] He earned his livelihood by the art of grinding and polishing lenses for optical instruments, a kind of work at which he became very skilful. He was thus able to support himself in comparative ease and independence, as his wants were few, and his mode of life extremely simple.

As he adopted a mathematical method, his system is deductive, and the chief characteristics of his philosophy may be stated briefly as follows. His fundamental conception is the unity of substance, and by this he meant that which is in itself and is conceived by itself. There is but one substance in the universe with infinite attributes, and that is God. Two only of the attributes of this substance are cognisable by man, namely, thought and extension: there is no extended substance really distinct from thinking substance. All individual existence is included among the changing modes of

[20] *Spinoza, His Life and Philosophy*, by F. Pollock, 1880. The chief authority for the life of Spinoza is John Colerus, a minister of the Lutheran Church, at the Hague, who first published his account of Spinoza in the Dutch language, in 1705, and it appeared in French in 1706 and 1733.

these attributes, but such existence does not belong to God, else he would be finite, and not absolute, since all determination is negation. God is the immanent cause of all things, and operates according to the inner necessity of his nature, and in this consists his freedom. But he produces all finite effects only indirectly by finite causes, and nowhere proceeds with a view to ends, and there is no such thing as human freedom apart from causality. All that can be said is, that one mode of extension merely acts upon another mode of extension, and one mode of thought upon another mode of thought, and so on continually throughout the universe. Between thought and extension, on the other hand, there is a complete agreement, as the order of thought is identical with the order and connection of things, each thought in every case being merely the idea of the corresponding mode of extension. Our ideas vary in clearness and in value from the confused representations of the imagination to the adequate knowledge of the intellect, which conceives all particulars from the standpoint of the whole which contains them, and comprehends all things under the form of eternity, and as necessary. From those confused mental representations which cannot rise above the finite, spring passions and the bondage of the will, while intellectual knowledge may assume the form of pure love to God, in which our happiness and freedom consist.[21]

Spinoza's first published work was an exposition of the principles of Descartes' philosophy, which appeared in 1663. It contained the exposition of two parts of Descartes' Principles, and a fragment of a third part, with an appendix of "Metaphysical Reflections." He adopted the geometric method of statement and argument, and so far as he went, gave a pretty fair account of Descartes' system. His next work was entitled "Tractatus Theologico-politicus," 1670. It is an elaborate and able defence of freedom of thought and speech in matters of religion. His final contention was, that "in a free state it should be lawful for every man to think what he will and to speak what he thinks." In the development of his own thoughts, Spinoza seems to have been much influenced by his study of Maimonides, yet the two philosophers held different views touching the Jewish Scriptures; Spinoza adopting a theory which permitted him to treat the Bible historically and critically, while the earlier philosopher maintained that the Law was given to the Jews as a revelation of the

[21] Compare Ueberweg's *Hist. Philos.*, Vol. II., p. 55, 1874.

highest truths. He was the author of several other treatises, but his chief work is his *Ethics.*

Spinoza's *Ethics* was not published till after his death, but it was written several years before; and he seems to have gradually elaborated it with much care. This work contains the fullest exposition of his system, and is divided into five parts, which treat respectively of God, of the nature and principle of the mind, of the source and nature of the affections, of human slavery or the power of the passions, and of human freedom or the power of the intellect. It is in this treatise that he developed his leading idea of substance and other subjects. But it is not at all an attractive work. The method of demonstration by definitions, axioms, propositions, postulates, corollaries, and scholia, is tedious and difficult to follow to the last degree. However, it is requisite to give some specimens of his method and form of thought.

In the first part of the *Ethics*, touching God, the following definitions are stated at the beginning:—"1. By self-caused I understand that whose essence involves existence, or that which cannot be conceived as non-existing. 2. A thing is called finite in its kind which can be limited by another of the same nature. 3. By substance I understand that which is self-contained and is conceived by itself. 4. By attribute I understand that which the mind perceives in substance as constituting its essence. 5. By mode I understand the affections of substance, or that which is in something else, through which it is apprehended. 6. By God I understand a Being absolutely infinite, a substance consisting of infinite attributes, each expressing an eternal and infinite essence. 7. A thing is called free which by the sole necessity of its own nature is determined to action by itself alone, but constrained, if it is determined by something else, to exist and to act in a fixed manner. 8. By eternity I understand existence itself, so far as it is conceived to follow necessarily from the definition of an eternal thing." The first definition is vague, for strictly speaking, the term self-caused is an irrational conception; because if anything is said to cause itself, it is assumed that it exists before itself, in order that it may cause itself. But Spinoza intended the definition to express the dependence of existence on essence; still the latter cannot cause the former, unless it already exists itself, thus what was to be caused already existed before being caused. The definition might have been put in this form: the first cause in

the universe is self-existent and eternal and immutable in its essence. Others of his definitions involve inconsistencies, but it is unnecessary to go over them.

The axioms are next stated thus :—" 1. All that is, is either in itself, or in some other than itself. 2. That which cannot be conceived by another thing, must be conceived by itself. 3. From a determinate cause an effect must follow ; without such a cause no effect can follow. 4. Knowledge of an effect depends on the knowledge of the cause and involves the same. 5. Things that have nothing in common cannot explain each other. 6. A true idea must agree with its object. 7. Everything that can be conceived as not existing, its essence does not involve existence."

From these definitions and axioms, he proceeded in a series of propositions to develop his ideas of God and the universe. These propositions extend to thirty-six, and he attempted throughout to give them the form and the reality of demonstrations.

His main conclusions in this part of the Ethics are these :— " Besides God, no substance can exist or be conceived to exist. Whatever is, is in God, and nothing can be, nor can anything be conceived to be, without God." He demonstrated this at some length, using geometrical illustrations, and then enunciated that " God acts by the sole laws of his own nature, and by constraint of nothing. God is the immanent indwelling, not the outside, cause of all things. God and all his attributes are eternal. The existence and the essence of God are one and the same thing. All that follows from the absolute nature of any attribute of God must have existed from eternity. God is not only the efficient cause of the existence of things, but also their essence. The thing that is determined to effect anything is necessarily so determined by God, and that which is not determined by God cannot determine itself to act, and therefore the the thing that is determined by God to do anything cannot render itself undetermined. The individual finite thing that has determinate existence cannot be determined to exist and act, unless it be itself determined to exist and act by another cause, which is also finite and possessed of determinate existence, and this cause again can neither exist nor be determined to act save by another cause, which is also finite and has a determinate existence, and this yet again by another, and so on to infinity. In the nature of things there is no contingency ; as all things are determined by the necessity of the Divine nature to exist and to act in a definite manner.

"Understanding, whether as finite or infinite, must comprehend the attributes and the affections of God, and nothing else. Will cannot be called a free cause, but a necessary cause only. Things could have been produced by God in no other order than as they have been produced. Nothing exists from the nature of which some effect does not follow." These are some of the principal ideas which Spinoza essayed to demonstrate; but at the end of this part of his work, he was aware that many prejudices existed among mankind, which would prevent them from adopting his views; and therefore he deemed it worth his trouble to examine such prejudices more fully in an appendix, in which he assailed the doctrine of final causes, and exerted his power of sarcasm to extinguish it.

He began the second part of his Ethics, on the nature and origin of the mind, as before, with definitions and axioms; and then proceeded to demonstrate his views in a series of propositions. The first four propositions are couched in the following terms:—"Thought is an attribute of God, or God is a thinking entity. Extension is an attribute of God, or God is an extended being. The idea of his own essence, as all things that necessarily follow from it, necessarily exist in God. The idea of God whence infinities follow in infinite modes can only be single." The idea of an individual thing existing in act is considered as effected by another idea of an individual thing existing in act, of which God is also the cause, in so far as he is effected by a third idea existing in act, and so on to infinity; the order and chain of ideas and causes being the same throughout the universe.

"The human mind does not know the human body in itself, nor does it know that the body exists except through the ideas of the affections by which the body is influenced. There is also present in God an idea or consciousness of the human mind, and this follows in the same way, and is referred to God in the same manner, as the idea of consciousness of the human body. This idea of the mind is united with the mind in the same way as the mind itself is united with the body. The mind not only perceives the affections of the body, but the ideas of these affections also. The mind has no consciousness of itself, save in so far as it perceives ideas of the affections of the body. The human mind involves no adequate knowledge of the parts composing the human body. The idea of each affection of the human body does not involve knowledge of an external body. The human mind perceives no external body as existing in fact, save through ideas of affections of the body. The idea of any state or

affection of the human body does not involve the adequate cognition of the human body itself. Ideas of the affections of the human body, in so far as they are referred to the mind only, are not clear and distinct, but confused. The idea of each of the affections of the human body does not involve the adequate cognition of the human mind. All ideas in so far as they are referred to God, are true. Falsehood consists in the absence of the cognition which inadequate and confused ideas involve. Inadequate and confused ideas follow by the same necessity as clear and distinct ones."

All these statements are elaborated at length. Then he distinguished three degrees of cognition. First, opinion, which is the development of perceptions and general notions from the impression of the senses, represented to the understanding confusedly, or through certain words retained in the memory, which may represent imperfect ideas of things. The second kind of cognition he called reason, which consists of common notions and adequate ideas of the properties of things. The third and highest kind of cognition is intuition, which proceeds from the adequate idea of the real essence of some of the attributes of God, to the requisite cognition of the essence of things. Cognitions of the first kind may be uncertain or untrue; those of the second and third kind are necessarily true, and teach us to distinguish the true from the false. He who has a true idea, is at the same time certain of its truth. The human mind in so far as it has true ideas, is a part of the infinite intellect of God; and so its clear and distinct ideas are as necessarily true as are the ideas of God.[22] As reason considers things as they really are in themselves, it concludes that they are not contingent but necessary. This necessity of things is the very necessity of the eternal nature of God; therefore, reason apprehends things under a certain form of eternity. Every idea of an actual concrete object necessarily involves the eternal and infinite essence of God, which pervades all alike, and is therefore adequately cognised by the human mind.

But there is no such thing in the mind as free-will, since it is a certain and determined mode of thought. "It is determined to will this or that by a cause which is determined by another cause, this by another, and so on to infinity." The will to affirm or deny ideas is not a mere causeless act, it is the necessary consequence of the ideas;

[22] The very core of Cartesianism.

as distinct volitions and ideas are identical, so also are will and understanding one and the same.

The third part of the Ethics, treating on the affections and the emotions, as usual opened with definitions. By affections and emotions, he meant states of the body, whereby its power to act is increased or diminished, aided or controlled, together with the mental ideas of these affections. Opposing natures which would destroy each other cannot exist in the same individual; and each individual thing as far as it can strives to conserve its life. The idea of anything which increases or diminishes the power of the body to act, in an equal degree increases or diminishes the thinking power of the mind; hence the mind strives to imagine such things as increase the power of the body to act. Desire is conscious appetite, and appetite is the very essence of man, in so far as he is determined to those actions that subserve his own preservation.

Spinoza gave a wide meaning to the word desire, including under it efforts, impulses, appetites, and volitions of every kind. Still this part of his work is the most valuable portion of his philosophy.

He recognised only three primary affections, namely, joy, sorrow, and desire. Joy is explained as the transition from a less to a higher state of perfection, while a change in the opposite sense causes sorrow. Love is joy associated with the idea of an external object. Hate is sorrow accompanied by the idea of an external cause. Liking is joy accompanied by the idea of an object which is accidentally the cause of joy. Devotion is love of that which we admire. Scorn is pleasure sprung from this—that something we despise is imagined in the thing we hate. Hope is wavering joy sprung from an idea of something past or to come, of the issue of which we are more or less in doubt. Fear is unstable sorrow arising from the idea of something past or future, of the issue of which we are in some degree doubtful. Security is joy derived from the idea of something past or future in connection with which all cause of doubt is removed. Despair is sorrow sprung from the idea of a future or past thing combined with no cause of doubt. Thus it appears, that security may be associated with hope, and despair with fear. Sympathy is love so affecting man that he rejoices in another's weal, and on the other side, grieves over another's woe.

Thus his descriptions of the affections are generally brief, but careful and well stated. His general description of the affections is to this effect: "The affection which is characterised as a passion of

the mind is a confused idea, whereby the mind affirms a stronger or weaker power of existing than was before experienced in its body, or some parts of its body, and which being affirmed, the mind itself is determined to think of this thing rather than of that." He also stated that all our ideas of bodies rather proclaim the actual constitution of our own body than the nature of any external body, and that those ideas which constitute emotional forms must indicate or express the constitution of the body, or some of its parts, increasing or diminishing its power of acting.

The fourth part of the Ethics treated on the strength of the affections, or human slavery, by which he meant that man is impotent in the direction and the restraint of his own passions. In his introduction to this part, he says: "I call man's inability to moderate and to control the affective and emotional element in his nature, Slavery. For man under the dominion of his affections is not master of himself, but is controlled by fate, as it were, so that in seeing and even in approving of the better course, he, nevertheless, feels himself constrained to follow the worse." He repeats his view that there is no final causes or free-will, and then states: "We have shown that nature does not act with a purpose, for the eternal and infinite Being whom we call God, or Nature, as he exists of necessity, so does he act of necessity; and we have shown that by the same necessity that God exists, by the same necessity does he act. The reason, therefore, why God exists and why he acts, is one and the same, and as he does not exist for any end or purpose, so he does not act for any end or purpose; for as he is without beginning or end, as regards his existence, so is he infinite and eternal as regards his acts. Now a final cause, as it is called, is nothing but a human appetite or desire, considered as the cause of anything."

In this part, his moral views are mainly founded on the following definitions of good and evil:—"By good I understand that which we know to be useful to us. By evil I understand that which we know prevents us from enjoying something good." The knowledge of good and evil is nothing more than an emotion of joy or of sorrow, so far as we are conscious of this; hence we call that good or evil which favours or opposes the continuance of our life, or anything which assists or hinders our powers of action. To act virtuously is merely to act for our own life, and to preserve ourselves by the dictates of reason. Man always seeks to preserve his life for the sake of nothing but that which he thinks useful to him. The mind in so

far as it reasons, desires nothing but to understand; nor does it judge anything to be useful to it save that which leads to understanding—and therefore we know nothing certainly as good save that which leads truly to understanding; and on the other hand, nothing is evil save that which prevents us from understanding. "The supreme good of the mind is the knowledge of God, and the highest virtue is to know God." This is the highest knowledge that the human mind can attain. "Therefore that which is supremely useful or good to the mind is the knowledge of God . . . the absolute virtue or power of the mind is, therefore, to understand. But the height of the mind's understanding is God; consequently, the supreme power of the mind is to know God."

We call that evil which is the cause of grief or pain to us. In so far as anything agrees with our nature, so far it is good; hence the more that anything accords with our nature, the more useful it is to us, and the more it is good; and so the more useful anything is to us, the more does it agree with our nature. "Nothing, therefore, save in so far as it accords with our nature, can be good; even as the more a thing accords with our nature, the more useful it is."

The good that the virtuous man desires for himself he also desires for his fellow-men, and this the more ardently as he has a high cognition of God. "Therefore does the votary of virtue desire for all men the good he desires for himself. . . . Thus, therefore, the greater the conception of God involved in the essence of the mind, the greater will be the desire of the disciple of virtue that any good he enjoys himself should also be enjoyed by others." Moreover, "the good which a man desires, he will love and desire more constantly if he see that others love and desire it also; and so he will strive to make others love it; and because this good is common to all, and all may equally share it, he will further strive that all should enjoy it, and this so much the more as he himself enjoys it the more."

All that conduces to the order of society, and tends to make men live in amity, is good; while whatever brings disorder into the state is evil, as everything that causes men to live amicably together, at the same time causes them to live in conformity with reason, and is therefore good. "The man led by reason is freer when he lives as a member of a community under compact and bond of law, than when he lives in solitude and obeys himself alone. . . . The man,

therefore, who is led by reason and desire to live in freedom is careful to observe the common laws of his country."

To make this part of his work more clear and compact, he gave in an appendix an excellent summary of the whole, and concluded with the following:—

"Man's power is very limited, and is infinitely surpassed by the power of external causes; and, therefore, we have no absolute power of adapting to our own use things external to ourselves. Still, we should bear with an even mind that which befalls us against the conditions of our advantage, if we are aware that we have fairly done our duty, and that the power we possess could not have gone so far as to avoid those evils, and that we are a part of the whole order of nature, and bound thereby. And understanding this much clearly and distinctly that the part of us which is called intellect, our better part, will therein be contented, and will seek to persist in that content. For, so far as we understand, we consider only that which is necessary, and can rest in nothing but the truth, and, therefore, so far as we rightly understand these things, the endeavour of our better part accords with the universal order of nature."

The fifth and last part of the Ethics treats on the power of the understanding or human freedom. He repeated his doctrine that the order and connection of ideas is the same as the order of things.[23] Spinoza's aim in this part is mainly to expound the relation between emotion and reason, the power of the latter over the energy of the former. A passion itself is a confused idea, but whenever we are able to form a clear and distinct idea of it, it ceases to be a passion; hence it follows that to know the passions is the best way to restrain them; understand the passions that you may be master of them. The more that the mind recognises all things as necessary, the less does it suffer from the passions. He who clearly and distinctly knows himself and his passions, rejoices, because such knowledge is accompanied with the idea of God. The love of God ought chiefly to fill the mind, as it is associated with all the higher emotions. "God is without passions or any emotion of joy or sorrow, because all ideas so far as they are referred to God are true; again, God cannot pass from a greater to a less, or from a less to a greater state of perfection. Therefore, as God is not affected by joy nor sorrow, he

[23] This identity of thought with the order of development in things was adopted by Hegel.

can neither love or hate anyone. No one can hate God, because the idea of God within us is adequate and perfect; and so far as we contemplate him, to that extent do we act, and consequently, there can be no pain associated with the idea of God. He that loves God cannot seek that God should love him in return; because if man looked for this, he would thereby desire that God should not be God. This love towards God is the highest good which man under the dictates of reason can desire; it is common to all mankind, and we can wish that all should enjoy it as much as ourselves; thus the love of God is not liable to be narrowed by envy or jealousy, on the contrary, it must be cherished the more, the greater the number of our fellow-men we imagine to enjoy it."

Touching the duration of the human mind, though it cannot remember anything that is past, save during the continuance of the body, yet, as God is the cause of its existence, and also of its essence, there is an idea in God which expresses the essence of this or that human body under the form of eternity. Thus the human mind cannot be wholly destroyed with the body, something of it survives which is eternal. This idea which expresses the essence of body under the form of eternity is a certain mode of thought belonging to the essence of the mind, and necessarily eternal. This, however, cannot be determined by a reference to duration in time, as we cannot remember to have existed before our bodies; nevertheless we feel and are persuaded that we are eternal, as the ground of this feeling and conception is logical demonstration. Our mind can only be said to endure, and its existence to be limited to a certain time, in so far as the existence of the body is involved, and thus far only has the mind the power of apprehending things under the form of time.

The highest effort of the mind and the highest virtue is to understand things through the most perfect kind of cognition; and this is the cognition proceeding from an adequate idea of certain attributes of God to an adequate conception of the essence of things, and the more we comprehend things in this way, the more we know of God. The more apt the mind is to know things in this way the greater its desire for such knowledge, and from this springs the highest satisfaction of the mind. "Our mind in so far as it knows itself and the body under the form of eternity, thus far has it a requisite knowledge of God, and knows that it is in God and is conceived through God. This kind of intuitive cognition depends on the mind itself as its formal cause, in so far as the mind itself is eternal. The farther

we advance in this kind of knowledge, the more conscious are we of ourselves and of God, we take delight in it, and our joy is associated with the idea of God as its cause. From this intuitive cognition arises the intellectual love of God, which is eternal. God loves himself with an infinite intellectual love. The intellectual love of the mind for God is the very love of God—the love wherewith God loves himself, not as He is infinite, but as He can be interpreted by the essence of the human mind considered under the form of eternity; that is, the intellectual love of the mind towards God is part of the infinite love wherewith God loves Himself. Hence it follows, that in so far as God loves Himself, He loves mankind, and that the love of God for man, and the intellectual love of the mind of man for God, are one and the same. From this we clearly understand wherein consists our salvation, our happiness, and our liberty. It is this eternal love of God, which in sacred scripture is spoken of as glory, and with truth, for whether it be referred to the mind of man or of God, it is rightly designated peace of mind, which, in fact, is not to be distinguished from the glory of scripture. There is nothing in nature opposed to this intellectual love, or to abrogate it, and the greater the number of things that the mind knows, according to the second and the third kinds of cognition, the less does it suffer from evil passions, and the less does it fear death."

He touched on other points of interest to this effect. Inasmuch as the most perfect peace of mind arises from intuitive cognition, it follows that the human mind may be of such a nature that what we have shown to be liable to pass away and perish with the body, when contrasted with what remains, may be of no significance. He who has a mind capable of many things, has a mind the greatest part of which is eternal. Inasmuch as human bodies are capable of a great variety of actions, it is not doubtful that their nature may be such as to be referable to minds which have extensive knowledge of God and of themselves, and of which the principal part is eternal, so that they have scarcely any fear of death. The more perfect anything is it is the more real, and the more active it is the less it suffers; hence the more perfect a thing is the more active it is. From this it is assumed to follow that the part of the mind which remains after the death of the body, whatever be its quantity, is more perfect than the rest. Now, the eternal part of the mind is the understanding, by which we say that we act, but the part that

perishes we have shown to be that wherewith the imagination is connected.

From what is stated above, and in other parts of his works, it appears that the human mind, in so far as it is possessed of understanding, is an eternal mode of thought, which is determined by another eternal mode of thought, this by another, and so on to infinity—so that all together constitute the eternal and infinite intelligence of God. Thus, whatever portion of the mind of man may survive the body, is merged in the divine mind. It has no conscious or distinct existence of its own. It is merely a mode of thought controlled by another and another mode of thought till united and centred in the one eternal essence of the universe.

Spinoza then made some remarks on what he had stated on morality in other parts of the work, and concluded with these words: "Herewith I have finished all that I proposed to say touching the power of the mind over the emotions and her freedom. Whence it is evident how great is the wise man's power and his advantage over the ignorant man who is driven by blind desire. For as such a man is distracted by external influences, and in many ways besides, and never attains true contentment in his soul; he lives, as it were, without sense of himself and God and the nature of things, and no sooner ceases to suffer than he ceases to be. Whereas the wise man, if we take him as such, is of a constant mind, and being aware of himself and of God and the nature of things in a way of eternal necessity, does never cease to be, but is ever in possession of true contentment. And if the way I have shown to lead hither seems exceedingly hard, yet it may be discovered. That truly must be hard which is seldom found. For if salvation were so easy and could be found with little trouble, how should it come to pass that nearly all mankind neglect it? But every excellent work is as difficult as it is rare." Thus, in the final result, Spinoza came near to the Stoics' position: which is, that the way is open to everyone alike, but as things stand, the mass of mankind are ruled by the coarser motives, which alone they appreciate. He does not seem to have believed in any great improvement of the body of mankind; and considering the state of Europe in his day, and all the circumstances around him, who could blame him? Even now and here, it must be confessed that the most sanguine thinker, and the most hopeful reformer, frequently meet with many things which might shake the confidence of the firmest mind and the warmest heart.

Viewing Spinoza's work as a system of the universe, or as a philosophy of existence, it falls far short of its end. Both in its principles and in its details it is defective, and it contains many inconsistencies which have often been pointed out.

But it is chiefly as a moral system that it is interesting to us. Though he treated many moral points ably and fairly, and freely admitted and even insisted on the value of the principle of utility, yet the defects of his system, considered as a moral philosophy, are obvious. If morality and religion are related subjects, which in various ways strengthen each other, then little can be made of his system—since a God of infinite and eternal existence, of infinite intelligence and perfection, but without will or purpose, or moral attributes of any kind, could hardly be an object of worship to ordinary men. But apart from this, and taking morality in the narrowest sense, his ethical system is defective in many points, which it is needless to particularise.

Spinoza in several parts of his writings greatly underrated the complexity of the problems of ethical and political science. He nowhere signalised the distinction between positive morality and positive law. He was often astonishingly wrong in believing that he had found a short road to certain and perfect knowledge, and this is especially noticeable in his treatment of politics. He thought that no important experiment in politics remained to be tried that had not been already discovered and attempted. He manifested no grasp of the method of the gradual development of society and political institutions; such shortcomings, however, were common to the philosophers of the period.

But finally, as a philosopher, and as a man, Spinoza manifested great moral energy and force of character. He was gifted with an intellect of a keen and original cast, though not of the most comprehensive and highest order. His doctrine of the eternity of the human mind is one of the boldest efforts of speculative thought on record, and exhibited a grasp of mind rarely attained, while it has produced memorable results. His identification of the human mind with God seems to have suggested the speculations of Fichte, Schelling, and Hegel touching the comprehension of the Absolute or God, which raised such a stir in Germany and in France in the first half of the present century; and, indeed, historically, Spinoza's writings have had much influence in various directions.

An account of Spinoza's philosophy is given in the chief histories

of philosophy, and there are several works which specially treat on his system, among which may be mentioned, Pollock's *Life and Philosophy of Spinoza*, 1880; Willis's *Life, Correspondence, and Ethics of Spinoza*, 1870; and others in French and German. Soon after the publication of Spinoza's system, a considerable number of works appeared in which his views were combated. Though not at all a believer in the philosophy of Spinoza myself, nevertheless, I can honestly join with Schleiermacher, who said:—"Offer reverentially with me a lock to the manes of the holy, rejected Spinoza! He was filled with the lofty world-spirit; the infinite was his beginning and his end; the universe his only and eternal love. In holy innocence and deep humility he saw himself in the mirror of the eternal world, and saw how he too was its most lovely mirror; full of religion was he, and full of holy spirit, and hence he stands there alone and unrivalled, master in his art, but exalted above the profane guild, without disciples and without civil right."

Leibnitz, a contemporary of Spinoza, is usually regarded as the founder of the German philosophy of the eighteenth century.[24] He attained to eminence both in philosophy and in mathematics, and wrote on many subjects. But he nowhere developed his philosophical views in a systematic and complete form; a mere summary of his doctrines was presented in his exposition of the monadology.

He adopted the dogmatic form of philosophising, that is, he believed that the power of human thought, when aided by clear and distinct ideas, could transcend the limits of experience, and attain to perfect truth. But he overstepped both the dualism of Descartes and the monism of Spinoza, by the recognition of a graduated scale of beings. Eternal truths are in the divine understanding, distinct from the divine will; the divine mind being the source of the possibility of things, while the divine will is the cause of their reality; and hence all truth must by its nature be rational. In psychology he adopted a form of the doctrine of innate ideas, associated with the principles of identity and contradiction. Error arises from a want of clearness and distinctness; while dark and confused knowledge may be raised by demonstration to clearness and distinctness.

[24] Born 1646, and died 1716. A list of the books which specially treat on the life, the writings, and the philosophy of Leibnitz, is given in the second volume, Ueberweg's *Hist. Philos.*, pp. 94-96.

The aim of his theory of monads[25] is to ascertain the existence and to determine the nature of the simplest elements of substance, into which all other things and beings might be resolved. The primary monads seem to be something like atoms, or units of matter and of mind, endowed with life and ideas. All the monads have ideas, but of different degrees of clearness. God is the first monad, the primitive substance, and all His ideas are perfect. The souls of animals have sensation and memory. Every soul is a monad, as its power of acting proves its substantiality, and all substances are monads. Inorganic nature is merely an aggregate of undeveloped monads, while plants and minerals are a kind of sleeping monads with unconscious ideas; but in plants these ideas are formative forces. Man is a monad that has been waked up. The monads are not distinguishable in kind, but only in degree; the difference between them consists in the separate stages of development which each has attained. Every conscious monad has the clearest perception of those parts of the universe to which it is most nearly related; and thus from its own standpoint it is a mirror of the universe.

His theory of "pre-established harmony" is thus expressed by himself:—"Every body acts as if there were no soul, and every soul acts as if there were no body; and yet both act as if each was influenced by the other." So between the succession of the ideas, and the motions of the monad, there is a harmony pre-established by God. The soul and body of man agree, as it were, like the two clocks originally set together, and exactly moving at the same rate. In the same way each part of the universe harmonises with every other part. Creation simply consisted in first establishing, once for all, the laws of this unity and harmony; everything being arranged, the parts assigned to their places, every thought and every motion having been foreseen and provided for, when the universe was first called into existence. The existing world, therefore, is the best of all possible worlds, whether our limited minds can understand it in this light or not. The continuity of physical law is never broken, and yet the moral world is in harmony with the physical world, as the course of nature in all cases must be in accord with the highest interest of the soul.[26]

[25] Leibnitz seems to have borrowed the term monads from Bruno; see p. 400.

[26] Compare Stewart's *Dissert.*, pp. 254-257, 560-561, ed., 1854; and Ueberweg's *Hist. Philos.*, Vol. II., pp. 106-113.

Though Leibnitz endeavoured to unite the cosmological and the theological ideas, the origin of the world from God, and its explanation by physical laws, yet he completely failed to establish a real harmony of the two conceptions; as everyone before and after him has failed in their attempts to unite opposite elements in one conception. The inconsistencies of his philosophy have often been exposed; nevertheless, it is only justice to state that his writings contained many valuable suggestions, which subsequently proved to be true.[27]

Bayle, the author of the Historical and Critical Dictionary, exercised a pretty wide influence on philosophical opinions.[28] He had a sceptical cast of mind, and directed his shafts against all forms of dogmatism, often indulging in sallies of ironical humour. He was a man of considerable erudition, an acute critic, and endowed with much logical tact and metaphysical subtlety. There are other philosophers whose works I should have deemed it necessary to notice, if I had been writing a complete history of philosophy, such as Malebranche, De la Forge, Sylvain Regis, Arnauld, P. Nicole, Pascal, Du Hamel, Wolff, and others.

Turning to English philosophy, it may be noted that at the present time many in England are conversant with the philosophy of Germany and of France; and the influence of the speculations of both these nations on the English thought of the nineteenth century is probably much greater than is commonly believed. While in the seventeenth and eighteenth centuries, especially in the latter, English philosophy greatly influenced the philosophy of France, and in a less degree that of Germany, and in the present century all sides have influenced each other; although it appears that German speculation has recently been in the ascendant in some quarters of England, and even in Scotland.

The place of Lord Bacon in the history of philosophy has often been very differently estimated, according to the standpoint of those who have essayed to discuss the subject.[29] Bacon's avowed aim was to increase the power of man by enlarging the range of his knowledge. But to affect this, the mind must be freed from prejudice and superstition of every sort, so that it may be enabled to apprehend things

[27] For instance, his view of the unconscious modifications of the mind, or latent mental modifications.

[28] Born 1647, died 1706.

[29] Born 1561, died 1625.

in their real relations. Knowledge must begin with experience, starting from observation and experiment, whence by induction it should proceed methodically, first to the simpler propositions, and then to others of higher generality, rising gradually step by step to higher universality; and then finally, from these to descend to the particular, and thus to arrive at discoveries which should extend the power of man over nature. To attain such results he insisted strongly on the value and the necessity of a patient collection and accurate comparison of facts.

Bacon's plan for the reorganisation of the sciences embraced a general review of the whole intellectual field. This was followed by his doctrine of method, and then by an exposition of the sciences themselves, with their application to new discoveries. His conception was grand, and his end highly laudable; but the development of the principles of his method is far from complete. His own attempts at original investigation in applying his method is often crude, and fall much below some of the efforts of his own contemporaries. Still, he succeeded in indicating several of the fundamental points of induction; and thus he became the founder of the empirical school of modern philosophers, though he himself was greater as a critic than as a philosopher. His greatest merit was that he emphatically insisted on the importance of the collection, arrangement, and comparison of facts. On the other hand, he undervalued the method of deduction, and the value of the syllogism for deductive and mediate knowledge.

His writings have had much influence in Britain, and in other countries of Europe, especially in France; and thus his method of induction has contributed at home and abroad to the progress of physical science.[29]

The eccentric Lord Herbert of Cherbury was a writer of some note.[30] In his remarkable work, "De Veritate," he treated on various points of mental philosophy. He distinguished the faculties of the mind into four, namely, natural instinct, the inner sense, the external sense, and the discursive faculty. Each of these powers affords a certain class of truths, and all truth must become known to

[29] An excellent account of Bacon and his philosophy is given by Kuno Fischer in a work entitled, "Franz Baco von Verulam, die Real-philosophie und ihr Zeitalter," 1856.

[30] Born 1581, died 1648.

us through one or other of these faculties. But the truths of natural instinct are relatively higher and more certain than any other. By this faculty (which might have been called intellectual instinct) we apprehend the common notions touching the relations of things, and especially those which tend to our own preservation. They are implanted in us by nature, and represent something of the divine image and wisdom. They are primary notions, since they are necessary, independent, universal, certain, and instantaneous in their manifestation.

The inner sense under the direction of natural instinct, or the common notions, embraces all the powers which are associated with the particular forms of the agreeable and the disagreeable, of good and evil, whether these are dependent on the body or on the mind. The chief internal sense is conscience, which judges what is good and evil in their various relations, and thus determines what ought to be done.

The external senses depend on the special effects of external objects upon our external organs, jointly with the corresponding internal senses and the natural instincts. The discursive faculty gives that knowledge of objects presented by the internal and external senses, which depends on special capacities for investigation, and on the common notions; and it has reference to existence, qualities, quantities, relations, and especially to their causes.

He was also the author of several religious treatises and historical works. He distinguished man from animals, not merely by the gift of reason, but specially by the capacity of religion, which is peculiar to the former. He held that all men had the five following notions of religion:—That there is a God; that He ought to be worshipped; that virtue and piety are the chief elements of worship; that repentance is a duty; and that there is a future life, with rewards and punishments. He maintained that a revelation is possible to individuals, and affirmed that a special revelation was made to himself; but, since nothing can be admitted as revealed which contradicts the five common notions, and anything beyond these can be of no importance to the human race, therefore, no such revelation should be made public. His views had some influence on the subsequent lines of English thought, and he has sometimes been signalised as the earliest of that class of writers called the English Deists.

But the most famous English philosopher of the Rebellion period was

Thomas Hobbes of Malmesbury. Born in 1588, he was in the prime of life when the struggle between the parliament and Charles I. began in earnest. Hobbes firmly maintained the view that the King had an unquestionable right to absolute and supreme power in the State; and it is palpably evident that his philosophy, and especially his political and religious speculations, were much influenced by the struggles of his own day in England. He was deeply touched by the sight which the Civil War presented, and the imprisonment and execution of the King, the religious rancour and the hypocrisy which were mingled in the conflict, and the consequent suffering of the nation. In such circumstances, with his prepossessions, it would be unreasonable to expect from him sound opinions and conclusions on politics; nevertheless, he was an original thinker of great power, and a man of varied accomplishments. None of his philosophical or political works were published till he was past fifty years of age, so they were not the crude performances of youth, but the deliberate outcome of his matured thought. In his different treatises and works, however, he again and again repeated his chief psychological views and political doctrines, in slightly varied language, but identically the same in ideas and thought.

In his "Elements of Philosophy," published in 1655, and divided into four parts, which treated of logic, of the first grounds of philosophy, of the proportions of motions and magnitudes, and of physics, he defines philosophy as the knowledge of effects by their causes, and of causes from their observed effects, by means of true inferences. The end of philosophy is the application of our knowledge of effects to the utmost of our strength, for the benefit of human life, as the end of knowledge is power, which should result in action. The utility of philosophy is especially seen in physical science, in geometry, in astronomy, and in navigation. From his conception of philosophy, he excluded the doctrine of God, because He is "eternal, ingenerable, incomprehensible, and in Whom there is nothing either to divide or compound, or any generation to be conceived"; [31] and also knowledge acquired by divine inspiration, and all false doctrines, such as astrology and divinations: for all that which we know by legitimate deduction can neither be false nor doubtful. I may state that Hobbes's idea of God was entirely nega-

[31] Part I., Ch. I., Sect. 2, *et seq.* All my references are to the collective dition of Hobbes's English works, by Sir William Molesworth.

tive. In his "Leviathan," after running over a number of terms and expressions which should not be applied to God, he says:—"He that will attribute to God nothing but what is warranted by natural reason, must either use such negative attributes as infinite, eternal, incomprehensible; or most high, most great; or indefinite, as good, just, holy; and in such sense as if he meant not to declare what he is. . . . There is but one name to signify our conception of his nature, and that is, I AM; and but one name of his relation to us, and that is God." He distinguished philosophy into natural and civil. But in order to understand the properties of a commonwealth, it is necessary first to know the dispositions and manners of men; and so civil philosophy is divided into two parts, the one treating of men's dispositions and manners, called ethics, and the other treating of their civil duties, called political philosophy.[32] In the *Leviathan*, published in 1651, he gives a kind of classification of the sciences, a pretty complete formulation of the knowledge and science of the time. He reduced everything to consequences. Matter or bodies being assumed, motion and quantity are placed at the top of the scale; while consequences from quantity, and motion indeterminate, which being the principles or first foundation of philosophy, "philosophia prima," forms the basis of the whole. Then follow consequences from quantity, and motion determined—Mathematics, Geometry; consequences from motion and quantity determined—Cosmography, Astronomy, Geography, and so on, politics being classed with physics as a part of natural philosophy.[33]

Thinking or reasoning is merely a process of computation, of addition and subtraction. He says, "to compute is either to collect the sum of many things that are added together, or to know what remains when one thing is taken out of another. Ratiocination, therefore, is the same with addition and subtraction; and if any man add multiplication and division, I will not be against it, seeing multiplication is nothing but addition of equals one to another, and division nothing but a subtraction of equals one from another, as often as possible. So that all ratiocination is comprehended in these two operations of the mind, addition and subtraction." The same doctrine is stated in his "Leviathan," and illustrated as applicable to all things that can be added together, or taken one out of another. Thus, "writers of politics add together pactions to find men's duties;

[32] *Leviathan*, Part II., Chap. XXXI. [33] Part I., Ch. IX.

and lawyers, laws and facts, to find what is right and wrong in the actions of private men. In sum, in whatever matter there is place for addition and subtraction, there also is place for reason; and where these have no place, there reason has nothing at all to do." Finally, reason considered as a faculty of the mind, is nothing but reckoning, "that is, adding and subtracting of the consequences of general names agreed upon for marking and signifying of our thoughts: I say, marking them, when we reckon by ourselves, and signifying, when we demonstrate our reckonings to other men.[34]

This was Hobbes's form of nominalistic doctrine, and he has some good remarks on names, the use of words, and the use and abuse of speech. He explained this branch of knowledge both in the "Elements of Philosophy" and in the "Leviathan" in the former at length, and in the latter briefly. "The general use of speech is to transfer our mental discourse into verbal, or the train of our thoughts into a train of words; and that for two purposes, whereof one is the registering of the consequences of our thoughts; which being apt to slip out of our memory, and put us to a new labour, may again be recalled, by such words as they were marked by. So that the first use of names is to serve for marks or notes of remembrance. Another is, when many use the same words, to signify, by their connection and order, one to another, what they conceive, or think of each matter; and also what they desire, fear, or have any other passion for. And for this use they are called signs. Special uses of speech are these: first to register what by cogitation we find to be the cause of anything, present or past, and what we find things present or past may produce or effect; which in sum, is acquiring of art. Secondly, to show to others that knowledge which we have attained, which is, to counsel and teach one another. Thirdly, to make known to others our wills and purposes, that we may have the mutual help of one another. Fourthly, to please and delight ourselves and others, by playing with our words, for pleasure or ornament, innocently." To these uses of speech there are four corresponding abuses. When we register our thoughts wrong, by using improper words, and stating as our conception that which we never conceived, and thus deceive ourselves; when we use words in an unusual sense, and thereby deceive others; when we declare by words that to be true which we know to be false; when people use

[34] *Elements Philos.*, Part I., Ch. I., Sect. 2. *Leviathan*, Ch. V., p. 30.

words to grieve one another: "for seeing nature has armed living creatures, some with teeth, some with horns, and some with hands, to grieve an enemy, it is but an abuse of speech to grieve him with the tongue, unless it be one whom we are obliged to govern; and then it is not to grieve, but to correct and to amend."

He explained the use of different kinds of names, the necessity of definitions, and stated that everything which can enter into an account may be considered a subject for names. He gave four forms or scales of predicaments under the heads of body, quantity, quality, and relation, which are formed with great care. And further, he explained negative words, and then added: "All other names are but insignificant sounds, and those of two sorts; one when they are new, and yet their meaning not explained by definition, whereof there have been abundance coined by schoolmen and puzzled philosophers." [35]

Motion is the prime and fundamental idea in Hobbes's philosophy. It runs through all his writings, and enters into almost every explanation which he has given of anything. He treated sense and sensation at length as a part of physics in his "Elements of Philosophy," and in almost all his different works he touches more or less on this subject. His psychology has the merit of being pretty distinct; as sensation and thought both proceed from motion, their explanation is not a difficult matter. Concerning sense, he says: "I have shown that no motion is generated but by a body contagious and moved: whence it is manifest that the immediate cause of sense or perception consists in this, that the first organ of sense is touched or pressed. For when the uttermost part of the organ is pressed, it no sooner yields but the part next within it is pressed also; and, in this manner, the pressure or motion is propagated through all the parts of the organ to the innermost. And thus, also, the pressure of the uttermost part proceeds from the pressure of some remote body, and so continually till we come to that from which, as from its fountain, we derive the phantasm or idea that is made in us by our sense. And this, whatever it be, is what we commonly call the object. Sense, therefore, is some internal motion in the sentient, generated by some internal motion of the parts of the object, and propagated through all the media to the innermost part of the organ. . . .

[35] *Elements Philos.*, Part I., Ch. II.; *Leviathan*, Part I., Ch. IV.; also his treatise *Human Nature*, Ch. V.

Moreover, I have shown that all resistance is endeavour opposite to another endeavour, that is to say, reaction . . ; so that when that endeavour inwards is the last action in the act of sense, then from the reaction, however little the duration of it be, a phantasm or idea has its being; which, by reason that the endeavour is now outwards, does always appear as something placed without the organ." . . . Then we get this definition: "Sense is a phantasm made by the reaction and endeavour outwards in the organ of sense, caused by an endeavour inwards from the object, remaining for some time more or less." How much importance he attached to motion in the derivation of sensation, ideas, and thought is indicated in the following passages: "Now [that] all mutation or alteration is motion or endeavour (and endeavour also is motion), in the internal parts of the thing that is altered, as has been proved. . . . Sense, therefore, in the sentient, can be nothing else but motion in some of the internal parts of the sentient, and the parts so moved are parts of the organs of sense." Again, "the original of life being in the heart, that motion in the sentient, which is propagated to the heart, must necessarily make some alteration or diversion of vital motion, namely, by quickening or slackening, helping or hindering the same. Now, when it helps, it is pleasure; when it hinders, it is pain, trouble, grief, and so on. . . . Now vital motion is the motion of the blood, perpetually circulating (as has been shown from many infallible signs and marks by Dr. Harvey, the first observer of it) in the veins and arteries. Which motion, when it is hindered by some other motion, made by the action of sensible objects, may be restored again, either by bending or setting straight the parts of the body; which is done when the spirits are carried now into these, now into other nerves, till the pain, as far as is possible, be quite taken away. But if vital motion be helped by motion made by sense, then the parts of the organ will be disposed to guide the spirits in such manner as conduces most to the preservation and augmentation of that motion, by the help of the nerves. And in animal motion this is the very first endeavour, and found even in the embryo; which while it is in the womb, moves its limbs with voluntary motion, for the avoiding of what troubles it, or for the pursuing of what pleases it. And this first endeavour, when it tends towards such things as are known by experience to be pleasant, is called appetite, that is, an approaching; and when it shuns what

is troublesome, aversion, or flying from it."[36] He goes on to associate appetite and will, and shows that the same thing is called both will and appetite. More briefly, he says that all ideas and thought originate from sensation, thus: "The original of them all is that which we call sense, for there is no conception in a man's mind which has not at first, totally, or by parts, been begotten upon the organs of sense. The rest are derived from that original." Again, originally, all conceptions proceed from the action of the thing itself, whereof it is the conception: now when the action is present, the conception it produces is also called sense; and the thing by whose action the same is produced, is called the object of the sense.[37] Hobbes stated the conditions of sensation and perception very well. In order to make them clear, he distinguished the subject and object of sense, the former being the perceiving person, and the latter the thing perceived; and it is more correct to say that we see the sun than that we see the light; because light and colour, heat, sound, and other qualities, are not properly objects, but ideas in the mind. He further stated that there must always be a variety and difference among the objects of perception, and discriminated other points.

In further explaining his views of mind, he calls imagination "a decaying sense," by which he means the impressions, images, or ideas of external objects remaining in the mind after the sensations which caused them were past. His exposition of the subject is this:— "That when a thing lies still, unless somewhat else stir it, it will lie still for ever, is a truth that no man doubts of. But that when a thing is in motion, it will eternally be in motion, unless somewhat else stay it, though the reason be the same, namely, that nothing can change itself, is not so easily assented to." . . . Therefore, "when a body is once in motion, it moves, unless something else hinder it, eternally; and whatever hinders it, cannot in an instant, but in time, and by degrees; and as we see in the water, though the wind cease, the waves give not over rolling for a long time after; so also it happens in that motion which is made in the internal parts of a man, then, when he sees, dreams, and so on. For after the object is removed, or the eye shut, we still retain an image of the thing seen, though more obscure than when we see it. And this is it the Latins call imagination, from the image made in seeing. . . . But the Greeks call it a fancy, which signifies appearance, and is as

[36] *Elements Philos.*, Past IV., Ch. XXV., Sect. 2; Sects. 2, 12, 13.
[37] *Leviathan*, Part I., Ch. I.; *Human Nature*, Ch. II., Sect. 2.

proper to one sense as to another. Imagination, therefore, is nothing but decaying sense; and is found in men, and in many other living creatures, as well sleeping as waking.

"The decay of sense in men waking is not the decay of the motion made in sense but an obscuring of it, in such manner as the light of the sun obscures the light of the stars. . . . For as at a great distance of place, that which we look at appears dim and without distinction of the smaller parts, so also, after great distance of time, our imagination of the past is weak, and we lose, for example, of cities we have seen, many particular streets, and of actions, many particular circumstances. This decaying sense, when we would express the thing itself, I mean fancy itself, we call imagination; but when we would express the decay, and signify that the sense is fading, old, and past, it is called memory." So that imagination and memory are but one thing with different names.[38]

Hobbes manifested a fair knowledge of the operation of those principles which subsequent psychologists have termed the laws of association and mental modifications and ideas. He points out and distinguishes various ways in which ideas and thoughts are associated, though he does not use the term association of ideas, but uses the expressions, trains of imaginations, and trains of thoughts. But I can only afford space for a few of his illustrations:—

"When a man thinks on anything, his next thought after is not altogether so casual as it seems to be. Not every thought to every thought succeeds indifferently. . . . All fancies are motions within us, relics of those made in the sense: and those motions that immediately succeed one another in the sense, continue also together after sense: inasmuch as the former coming again to take place and be predominant, the latter follows, by coherence of the matter moved, in such manner as water upon a plain table is drawn which way any one part of it is guided by the finger." Again, "The cause of the coherence or consequence of one conception to another, is their first coherence at that time when they are produced by sense; as, for example, from St. Andrew the mind runs to St. Peter, because their names are read together; from St. Peter to a stone, for the same cause; from stone to foundation, because we see them together; and for the same cause, from foundation to church, and from church to people, and from people to tumult: and according to this example,

[38] *Leviathan*, Part I., Ch. II.; see also *Human Nature*, Ch. III., Sects. 1, 7.

the mind may run almost from anything to anything. But as in the sense the conception of cause and effect may succeed one another, so may they after sense in the imagination : and for the most part they do so." He stated and illustrated other ways in which the train of thoughts is regulated.

Of reminiscence he says : "Beginning with the appetite to recover something lost, proceeding from the present backwards, from thought of the place where we miss it, to the thought of the place whence we came last ; and from the thought of that to the thought of a place before, till we have in our mind some place wherein we had the thing we miss : and this is called reminiscence." Further, "The remembrance of succession of one thing to another, that is, of what was antecedent, and what consequent, and what concomitant, is called an experiment, whether the same be made by us voluntarily, as when a man puts anything into the fire, to see what effect the fire will produce upon it, or not made by us, as when we remember a fair morning after a red evening. To have had many experiments is what we call experience, which is nothing but remembrance of what antecedents have been followed by what consequents." [39]

On the side of feeling, emotion, and will, Hobbes's psychology is of less value. His description of the passions, feelings, and emotions, though on some points clear and accurate, is, as a whole, imperfect and lacking in consistency. His theory of the will was this : "In deliberation, the last appetite, as also the last fear, is called will, namely, the last appetite, will to do, or will to omit. It is all one, therefore, to say will and last will. Will, therefore, is the last appetite in deliberating. . . . Appetite, fear, hope, and the rest of the passions, are not called voluntary, for they proceed not from, but are the will ; and the will is not voluntary, for a man can no more say he will will, than he will will will, and so make an infinite repetition of the word will, which is absurd and insignificant. Forasmuch as will to do is appetite, and will to omit fear, the cause of appetite and fear is the cause also of our will." With Hobbes, will and appetite are the same thing, till deliberation is brought into operation ; so that the action of appetite is necessitated, "and, therefore, such a liberty as is free from necessity is not to be found either in the will of men or beasts." But he admits the relation of will and belief.[40]

[39] *Leviathan*, Part I., Ch. III. ; *Human Nature*, Ch. IV., Sects. 2, 5, 6.

[40] *Human Nature*, Ch. XII., Sects. 2, 5, 6 ; *Leviathan*, Part I., Ch. VI. *Elem. Philos.*, Part IV., Ch. XXV., Sect. 13.

Hobbes's politics need not detain us long, as his political theory is simple and distinct. He maintained that by nature all men were nearly equal: that all society and government originated, not in social feelings, or any elements of sympathy for each other, but in their mutual fear of one another; and that by nature every man was his own judge, and had a right to all things, but which in effect was no right at all; because in the state of nature mankind were continually at war and killing one another: then every man was an enemy to every other man, each depending on his own strength; and as there was no security, but everything uncertain, so there was no place for industry, no culture of the earth, no navigation or means of communication, no knowledge of the face of the earth, no account of time, no arts, no letters, and no society; and what was worst of all, continual fear and danger of violent death prevailed; and the life of man was solitary and poor, brutish and short.[41]

Such being the state of mankind originally, how to get out of it was the great problem. It seems reason at last dictated to every man that it was for his own good to seek after peace, as far as there was any hope of attaining it,[42] then to strengthen himself as much as he can for his own defence against those who would not come to terms of peace. And it follows from this law of reason or nature, that every man by common consent should divest himself of the right to all things which he has by nature, and to be content with a limited liberty.[43] Hobbes proceeded to describe the circumstances

[41] *De Corpore Politico*, Part I., Ch. I., Sects. 1, 3, 4, 5, 7, 8, 9, 10, 11, 12; *Leviathan*, Part I., Ch. XIII.; also his treatise, *Philos. Elem., or a True Citizen*, Ch. I., Sects. 2, 3, 10, 11, 12. He indeed says, "It may perhaps be thought there never was such a time, or condition of war as this; and I believe it was never generally so over all the world: but there are many places where they live so now in that brutish manner which I have described."—*Leviathan.*

[42] "As long as this natural right of every man to everything endures, there can be no security to any man, however strong or wise he may be, of living out the time which nature commonly allows men to live. And consequently, it is a general rule of reason that every man ought to endeavour peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek and use all means to defend himself."—*Leviathan*, Part I., Ch. XIV.

[43] "From this fundamental law of nature, by which men are commanded to endeavour peace, is derived this second law: that a man be willing, when others are so, as far forth, as for peace and defence of himself he shall think it necessary, to lay down this right to all things, and be content with so much liberty against other men as he would allow other men against himself."—*Ibid.*, also *De Corpore Politico*, Part. I., Ch. II., Sects. 1, 2, 3.

and the proceedings relating to that once famous "Contract Theory of Society," when at some far-off and unknown period in the history of the race, a multitude of men assembled with the intention of uniting themselves, and thus established peace and regular government.[44] When men met to form regular governments for the first time, then as to what they sanctioned, "it is to be understood that each man has consented to it, and not the majority only. Secondly, though thus assembled with intention to unite themselves, they are yet in that estate in which every man has right to everything, and consequently, as has been said, Chapter I., Section 10, in an estate of enjoying nothing. And, therefore, meum and tuum has no place amongst them. The first thing, therefore, they are to do, is expressly every man to consent to something, by which they may come near to their ends, which can be nothing else imaginable but this, that they allow the wills of the majority of their whole number, or the wills of the majority of some certain number of men by them determined and named; or lastly, the will of some one man, to involve and be taken for the wills of every man. And this done, they are united, and a body politic. And if the majority of their whole number be supposed to involve the wills of all the particulars, then they are said to be a democracy, that is, a government in which the whole number, or so many of them as please, being assembled together, are the sovereign, and every particular man a subject. If the majority of a certain number of men, named or distinguished from the rest, be supposed to involve the wills of every one of the particulars, then are they said to be an oligarchy or aristocracy, which two words signify the same thing, together with the diverse passions of those that use them. . . . Lastly, if their consent be such, that the will of one man, whom they name, shall stand for the wills of them all, then is their government or union called a monarchy, and that one man a sovereign, and all the rest subjects.

"And these several unions, governments, and subjection of man's will, may be understood to be made absolutely for all future time, or for a limited time only. But as we speak here of a body politic, instituted for the perpetual benefit and defence of them that make it, which, therefore, men desire should last for ever, I will only treat of this class."[45]

[44] *Leviathan*, Part I., Ch. XIV.

[45] *De Corpore Politico*, Part. II., Ch. I., Sects. 2, 3, 4.

Thus having found the state, he proceeded to develop his political philosophy. As a matter of logical sequence it fell to the state to determine the distinctions of right and wrong, of virtue and vice, of good and bad; and therefore, whatever the supreme power of the state sanctioned and commanded was good, and the opposite bad. Religion and superstition are both the same, in so far as they embody the fear of invisible powers, whether imaginary or believed on tradition; and whichever of these the state recognised, is religion, the others superstition. Anyone who places his private religious convictions in opposition to the faith sanctioned by the state, thereby commits a revolutionary act which tended to dissolve society; and, therefore, no man has any just pretence for making religion a cause of disobedience to the laws of the commonwealth. For God speaks through the supreme powers on earth, "by sovereign kings, or such as have sovereign authority as well as they." But, though the rights of sovereignty should be as absolute as it is possible to make them, yet the sovereign has duties, namely, to procure the safety of the people, to which he is obliged by the law of nature, and to render an account of this to God, the author of that law, and to none but him. And for the same reason the sovereign authority is bound to establish that religion which in their conscience they believe to be best, inasmuch as eternal good is better than temporal; and unless they do this, it cannot really be said that they have done their utmost for their people.[46]

But he is specially emphatic in placing the civil power above the ecclesiastical. He quoted an enormous quantity of Scripture, and treated at great length on its meaning and interpretation; and maintained throughout that the king himself was the supreme pastor of his people, and therefore he had a right to appoint all other pastors within his kingdom. The King also in virtue of his office, might preach and baptise if he pleased, and read lectures on science too, in any university within his kingdom. In short, Christian sovereigns have all manner of power over their subjects which can be given to man for the regulation of men's external actions, both in policy and religion; and may make whatever laws they should think fittest for the government of their own subjects, as they are the common-

[46] *De Corpore Politico*, Part II., Chaps. VI., VII., IX.; *Leviathan*, Part II., Chaps. XVIII., XIX., XX., XXX. This was the current view of the king's power, which we find so emphatically stated and reiterated in the Scots Acts of Parliament from the Restoration to the Revolution.

wealth and the church, and both state and church being the same men.[47]

Hobbes has some good remarks on law, and on moral philosophy too, and clearly distinguished moral law and positive law. But owing to the conception and the necessities of his political views and opinions, he took a short cut, and made the positive or civil law the standard and measure of right and wrong: and consequently, whatever the supreme sovereign forbade was wrong, and whatever it commanded was right.[48] This feature of his ethical theory, as well as the heterodoxy of many of his religious and theological opinions, called forth a host of opponents.

There is no evidence in Hobbes's writings that he had any conception of the historical growth of society, or the gradual development of a nation. The complex organisation of human society can only be understood by a careful examination and study of the long processes of development. Man as we now find him is the product of many forces, which have operated for a long series of ages, and gradually modified his character. But Hobbes failed to grasp or even to recognise this, and hence we have his imaginary state of nature—continual war, and the equally imaginary social contract theory.

Some of Milton's prose writings touched on political principles, and also on some important moral points, as in his treatise on divorce. Although he is not usually regarded as a philosopher, nevertheless he was a thinker of exceptional power, a masterly writer, vehement and impassioned, often abusive, and not always fair to his opponents. His pamphlets and controversial writings during the period of the great Rebellion and the Commonwealth form a study of themselves; and altogether he was one of the great men of the Commonwealth.

Milton threw the whole force of his mind into the anti-episcopal pamphlets, and they are extremely vehement and bold. He entered deeply and warmly into the Church questions which were then so fiercely contested; and in some of his pamphlets he wrote decidedly in favour of the democratic and presbyterian form of polity. In his pamphlet entitled, "Of Reformation touching Church Discipline in England, and the causes that hitherto have hindered it," he discussed both the question of fact and of reason involved in the subject, as why the English Church had not been thoroughly reformed. He

[47] *Leviathan*, Part IV., Ch. XLII. [48] *De Corpore Politico*, Part II., Ch. X.

made some scathing charges against the bishops, and concludes his work with a prayer, which for fire and force is unmatched in English literature.

His treatise entitled, "The Tenure of Kings and Magistrates," was published a fortnight after the King's execution, and a week after the Republic was proclaimed. The chief aim of the treatise was to argue for the democratic principle, on which he insisted strongly. Touching the right of a nation to depose a king who had become a tyrant, Milton followed Buchanan's line of argument. He assumed throughout that Charles I. was unquestionably a tyrant, and explicitly avowed that the people were justified in bringing the King, and such as he, to account and punishment. In short, he justified Cromwell and his colleagues in bringing the King to trial and execution. He continued a warm and powerful defender of the Commonwealth and its leaders.

I will quote a single specimen of Milton's power as a defender of the Commonwealth, from his attack on Salmasius's "Defence of Charles I." Salmasius himself was a voluminous writer and commentator, a very learned man, with a European reputation; but he had oftener than once changed some of his opinions, and now appeared as the defender of the late King. So it fell to Milton to reply to this learned man's book; and the following quotation is a specimen of how he executed his task:—"Who are you that bark at us? You, a learned man, who seem rather to have been turning over lexicons and glossaries and collections of extracts all your life, than to have read good authors with judgment and profit; whence your chatter is of nothing but codices, various readings, disarrangements and corruptions of text, while you show that you have not imbibed even the smallest drop of more real learning? You a wise man, who are constantly quarrelling about the merest minutiæ, and carrying on beggarly wars, and making railing attacks, now on astronomers, now on medical men, of good credit in their respective sciences, though yourself without skill or accomplishment in either; who, if anyone should try to snatch from you the petty glory of a little word, or a little letter, restored by you in some copy, would interdict him, if you could, from fire and water? And yet you are angry, and yet you show your teeth, because people call you a grammarian. In some trifling book of yours, you openly call Hammond, the beloved and most favoured of the late King's chaplains, a rascal, merely because he had called you a grammarian; and you would be

ready, I believe, to say the same of the King himself, and to retract this whole defence of him, if you heard that he had approved of his chaplain's criticism of you. Take notice then how I, one of those English, whom you dare to describe as 'fanatical, unlearned, obscure, blackguardly,' do here on my private account (for that the English nation itself should publicly think anything at all about a weevil like you would be a degradation), do here, I say, on my private account, despise you and make a laughing-stock of you, declaring that, turn you upside down, downside up, round about, or anyhow, you are still nothing but a Grammarian; ay, and that, as if you had made a more foolish promise to some god than even Midas did, whatever you touch, except when you commit solecisms, is still only grammar. Whoever, then, of these 'dregs of the common people,' that you so denounce (for those truly noble men among us, whose wisdom, virtue, and nobility are proved by their illustrious acts, I will not so dishonour as to think of comparing you to them or them to you), whoever, I say, of these dregs of the common people, has only persuaded himself to this principle, that he was not born for kings, but for God and his country, is a far more learned, far wiser, far better, man than you are, and deserves to be esteemed of far greater worth to all time. For he is learned without letters; you have letters but no learning, who know so many languages, turn over so many volumes, write so many yourself, and are but a sheep after all."[49]

As an advocate of freedom, Milton has great merit, though he is not always consistent. His "Speech for the Liberty of Unlicensed Printing," was a scathing and powerful attack on the existing laws of censorship of the press and licensing of books. It is comparatively short, but it has much historic interest, though the doctrine which he so ably pleaded for is now fully admitted in Britain.

James Harrington was the author of a political romance, entitled "The Commonwealth of Oceana," which was published in 1656, and attracted some attention. In 1658 he issued another treatise, called "The Prerogative of Popular Government," reasserting his views in a more direct style. He drew up a constitution for a commonwealth, the legislative part consisting of two houses, and both to be elected by the people. One of the houses should have the power of proposing and debating laws; while the other, which was to be the largest

[49] Masson's *Life of Milton*, Vol. IV., pp. 264-265.

body, should have the power of passing or rejecting the laws thus proposed by the smaller house. Further, it was proposed that a third of the members of both houses should retire every year, not to be re-eligible for a considerable time, and their places filled by newly-elected members : thus the whole membership of both houses would be entirely renewed every third year.

Richard Cumberland, bishop of Peterborough, was an ethical writer of historical note, and an opponent of the moral doctrines of Hobbes. His views were expressed in a work entitled "De Legibus Naturæ Disquisitio Philosophica," etc., etc., which appeared in 1672, and an English translation of it was published in 1727. His chief aim was to show that there are moral laws made known by nature, but not in the way enunciated by Hobbes. He began with an exposition of the nature of man and of things, and whence proceeded to derive the special ethical duties. The fundamental law of morality was enunciated thus :—"The greatest benevolence of every rational agent towards all, forms the happiest state of each and of all the benevolent, as far as in their power ; and it is essentially requisite to the happiness which they can attain ; and, therefore, the common good is the supreme law."

He insisted that the mind has an original regulative faculty, and earnestly contended that the social feelings and the disinterested affections are original elements of man's nature. The human mind is endowed with certain innate capacities, and has the power of apprehending first principles, and whence deducting conclusions. True propositions agree with the nature of things, and the dictates of practical reason are propositions which point out the ethical end, and the means by which it should be attained.

In the last half of the seventeenth century there arose in England a class of writers sometimes called Platonists, Cambridge men, or English Cartesians, but it should be observed that these writers held diverse views on some important points, though they generally agreed in assailing the psychology and the ethics of Hobbes. The most distinguished amongst them all was the learned Ralph Cudworth.[50] In his great work, "The Intellectual System of the Universe," which he did not live to complete, he assumed a plastic principle in nature, and by this explained organic development. He supposed that this power, or unconscious force, possessed a general and a

[50] Born 1617, died 1688.

special activity which produced the results of design. He contended that the doctrine of efficient causes does not exclude the possibility of final causes. He attacked the position of the unlimited power of God as taught by Descartes, on the ground that it would annul logical and geometrical reasoning, and obliterate moral distinctions. He assailed Hobbes's nominalism, and his limitation of the powers of the human mind to sense and fancy, and maintained that there was a higher faculty of reason. Cudworth exhibited an enormous amount of learning and considerable reasoning power. He gave many quotations from ancient writers, and those who have the courage and perseverance to read his "Intellectual System of the Universe," will find that it is a curious and valuable work, and a great monument of erudition.[51]

His "Treatise concerning Eternal and Immutable Morality," and also one on "Free-will," are unfinished fragments of long discussions, originally designed to complete his Intellectual System, and not published till long after his death. He argued for the independence of moral distinctions, and maintained that they were discovered directly by human reason.

Henry More was the author of several theological and ethical works of an essentially Platonic and transcendental cast, interwoven with his own notions and dreams. The leading principle of his ethics was that moral goodness is simple and absolute, and that reason is the judge of its nature and truth; but its distinctive beauty is felt by a special capacity, a something like the moral sense of later writers. All moral goodness may be called intellectual and divine. By the aid of reason we are enabled to state the principles of ethics in propositions, and hence derive the special maxims and rules.

An Englishman who holds a distinguished place in the history of modern philosophy, and especially in psychology, now claims attention, namely, John Locke. In political theory he was the chief expounder of the principles of the Revolution of 1688; and indeed his political writings became the source whence the Whig politicians drew their arguments for several generations. But the "Social Contract Theory," of which he was an able exponent, is now entirely obsolete.

[51] *The True Intellectual System of the Universe*, 1678; compare Dr. Tulloch's *Rational Theology and Christian Philosophy in England in the Seventeenth Century*, Vol. II.

In his "Essay concerning Human Understanding," the fundamental idea is that all our knowledge is derived from experience. The work was mainly directed to the exposition of two questions, namely, first to ascertain the origin of human knowledge, and then to determine the limits and the degrees of objective truth. His method was that of observation, the object of investigation being his own mind, "looking into it and seeing how it wrought." He could find no innate ideas or principles in the mind. The primary source of all our knowledge is sensation or external perception, and reflection or internal perception; the former embraced the apprehension of external objects through the senses, while the latter comprised the apprehension of mental objects by internal or self-reflection, a subjective operation of thought. The different objects of external perception are variously related to objective reality. Thus extension, figure, motion, and other qualities of bodies, belong to the external objects themselves; while colour, sound, and sensible qualities are only in ourselves, and not properly in the objects perceived, being signs not copies of changes which take place in external things. In the reception of simple ideas the mind is merely passive, it cannot refuse to have them, or blot them out, any more than a mirror can refuse to receive, alter, or obliterate the images reflected on it; all that man can do is to unite them together, classify them or separate them. By internal reflection we know the action of our thinking and willing faculties; while through sensation and reflection together we obtain the feelings of pleasure and pain, the ideas of power, unity, existence, and others, but we have no clear idea of substance.

The word idea has a wide meaning in Locke's Essay, as he uses it to denote whatever we apprehend, whether it be a mental modification of an external object, or a subjective thought, the perception or consciousness of feelings and passions; as when I form a mental picture or image of anything, or am conscious of a pleasant sound—when I see the moon or any external object, and when I remember any of these, again when I understand the meaning of right, of property, or any other abstract term—in all such cases, according to Locke, I am having ideas. Thus he employed the term idea in its most unrestricted universality. The theory of knowledge requires some definite word or words to indicate the dependence of what is known on the power of knowing. Descartes, Locke, and others, used the word idea in this relation, sometimes with perception, and at a

later date, with impression. At present some use the term phenomenon to express those aspects of existence of which we are conscious, rather than the words, ideas, perceptions, or impressions; others, again, use the word consciousness with a wide meaning, to express mental facts, modes, or states, in their relation to the knowing mind. But all terms thus used touch the prime assumption of philosophy, namely, that the universe and all things which exist can become known to us only through our mental and self-conscious experience; and thus arises the problem of the relation of the human mind to the external world.

Now as already indicated in this chapter, there is a real difficulty involved in understanding and stating the exact relation between mind and matter; and the nature of the relation of the object known and the knowing mind is still unknown. All that we know is that knowledge consists in a certain relation of the object known to the knowing subject. Of mind in itself or matter in itself we know nothing; simply because we know only the qualities of our own faculties of knowledge, as relations to their objects, and we only know the qualities of their objects as relations to our minds: thus all qualities both of mind and of matter are only known to us as relations, we know nothing in itself.[52]

In Locke's Essay the word idea is used to recall the truth that external things become known to us through our presentative and representative conscious experience; but on the other side of his theory, ideas also represent qualities which exist external to our conscious mind; thus they are, as it were, "effects in us," produced by powers that are independent of us: that is, he assumed that the mind is merely passive in the reception of simple ideas.

Locke devoted the First Book of his Essay to the refutation in detail of the doctrine of innate ideas. The argument that certain speculative and practical principles are universally accepted as true, he disputed, by showing that there was a mass of evidence against this alleged agreement, and that though it were otherwise, innate ideas would not be proved, as it might be shown that such agreement had arisen in other ways. He had little difficulty in proving that the principles of identity and of contradiction are unknown to children, and to all who are not specially educated: and, therefore, it could not be maintained that truths are inherent in the mind of

[52] Hamilton's *Reid*, Note N., p. 965.

which it has no consciousness and no knowledge. To say that an idea is imprinted on the mind, and yet at the same time to admit that the mind is ignorant of it, and never took notice of it, is to make this impression nothing. But it is true that the capacity to know is innate, though all actual knowledge is and must be acquired. And, therefore, those who adopt the theory of innate ideas should distinguish them from other ideas which are not innate; and thus they must hold that innate knowledge is from the first conscious knowledge, for to be in the understanding means to be understood. If it be asserted that these principles are recognised and admitted by all men when they come to exercise their reason, this is not true or conclusive, whether in the sense that we know them deductively by the use of reason, or in the sense that we think them when we arrive at the use of reason, for we know many things before them. That the bitter is not sweet, that a rod and a cherry are not the same thing, are known by a child long before he understands and assents to the universal proposition that it is impossible for the same thing to be and not to be at the same moment. Practical principles stand upon the same footing as speculative ones, none of them being innate; and, moreover, they are not so clear or so universally received as the principle just indicated. If principles are innate, the ideas involved in them must also be innate. Now the most general principles contain the most abstract ideas, which are the furthest from the thoughts of children, and are unintelligible to them, and can only be clearly formed after they have attained some degree of attention and reflection. The ideas of identity of difference, possibility and impossibility, and others of a similar character, are not in the child's consciousness at birth; and they are farthest removed in the order of development from the sensations of hunger and thirst, heat and cold, pleasure and pain, which in reality are the earliest conscious experiences of a child.

Locke strongly maintained that the idea of God is not innate. And he attempted to prove that some tribes in the lowest stages of civilisation had no idea of God at all. He also pointed out the fact that the ideas and conceptions which the various tribes and nations of mankind have of God differed greatly.

Having thus cleared the ground, Locke, in his Second Book, proceeded to show whence the understanding receives its ideas. He asks, "Whence comes it by that vast store, which the busy and boundless fancy of man has painted on it, with an almost endless

variety? Whence has it all the materials of reason and knowledge? To this I answer in one word, from experience: in that all our knowledge is founded, and from that it ultimately derives itself. Our observation employed either about external or sensible objects, or about the internal operations of our minds perceived and reflected on by ourselves, is that which supplies our understanding with all the materials of thinking. These two are the fountains of knowledge, from which all the ideas we have, or can naturally have, do spring." [53] Thus experience is twofold, external and internal, sensation and reflection, according as its object is the outer world of things, or the internal operations of our own minds. The senses in contact with external objects supply the mind with the elements and materials of ideas; and thus we attain the ideas of yellow, white, heat, cold, soft, hard, and all those called sensible qualities. Then when the mind attends and thinks on its own internal operations, the understanding thence attains another set of ideas: such as perception, thinking, doubting, believing, reasoning, knowing, willing, and all the different operations of our minds of which we are conscious and observe within ourselves.

When the first impression is made on his senses, man begins to have ideas. But before the first sensible impression, the mind no more thinks than it does afterwards in a deep and dreamless sleep. That the mind always thinks is as groundless an assertion as that all bodies are continually in motion.

Some of our ideas are simple, others are complex; and of the former class, some come into the mind by one sense only, some by more senses than one, others through reflection, while some come both by the senses and reflection. The simple ideas received by touch are heat, cold, solidity, roughness, hardness, smoothness, and many others; by the sense of sight, the ideas of light and colours; while the ideas which we receive by more than one sense, by sight and touch, are those of space, figure, rest, and motion. The simple ideas of reflection which the mind acquires when it becomes conscious and observes its own operations, are mainly two, namely, perception or thinking, and volition or willing. But the other simple ideas acquired through all the channels of the senses and reflection, are those of pleasure and pain, power, existence, unity, and succession.

[53] Book II., Ch. I., Sect. 2.

But most of the ideas of sensation are no more like anything existing externally to ourselves, than words are like the ideas for which they stand, and which they serve to recall to the mind. The inseparable qualities of bodies themselves are those of bulk, figure, number, position, motion and rest; and these he called the primary qualities of body. Now our ideas of these primary qualities of bodies are copies of these qualities; that is, they represent the thing mentally as it is in itself. But the secondary qualities of bodies affect us in a different way, they operate on the senses, and cause in us the sensations of colours, sounds, smells, and the like, which are not in the bodies themselves, but in our own minds. He further names a third class of qualities: these are the powers of some bodies, which, owing to the constitution of their primary qualities, make such changes in the bulk, figure, and motion of other bodies as cause them to operate upon our senses differently from what they did before; among these he instances the power of the sun to make wax white, and of fire to melt lead.[54]

Under the head of simple ideas acquired by reflection, he minutely investigated the faculties of perception, retention, discerning, compounding, abstracting, and other operations of the mind. The faculty of perception distinguished man from animal and plant. The faculty of memory is the power of preserving ideas by continued contemplation, or by reviving them after their temporary absence from the mind, which is too limited to be conscious at the same time of many ideas. Memory is common to man and the lower animals. The power of abstraction is peculiar to man. By this generalising faculty the ideas of single objects are separated from all accidental qualities, and raised to the rank of universal conceptions of the genera to which they belong.

The simple ideas being the elements of the complex ones, he reduced complex ideas to three classes, namely, modes, substances, and relations. Modes are complex ideas, but not involving existence by themselves, being merely modifications of simple ideas when their elements are similar, and mixed modes or modifications when their elements are dissimilar. Ideas of substances are those combinations of simple ideas employed to represent things existing by themselves. The ideas of relation arise from the comparison of one idea with another. To the purely modal ideas belong the mental modifications

[54] Book II., Chaps. I.-VIII.

of space, time, thought, power, and other abstract conceptions. Our own experience and observation of the constant change of ideas in the mind, partly depending on the impressions of external objects, and partly on our own choice, soon leads the understanding to the conclusion that the same changes as have already been observed will continue to take place in the same objects through the same causes; accordingly, the understanding conceives in one thing or object a liability to change its form, and in another, the possibility of being the agent of that change, and thus the mind attains the idea of a power. Thus the clearest idea of power is derived from observing the activities of our own minds, as internal experience teaches us that by a mere volition we can set in motion parts of the body which were before at rest. If a substance possessing a power manifest it by an action, it is called a cause; and that which it brings to pass is called its effect. A cause is that through which something else begins to be; an effect is that which depends for its existence on something besides itself. The idea of substance itself contains nothing but the supposition of an unknown something serving as a support for qualities; we have no clear idea of it. Nor is our idea of material substance more distinct than our idea of spiritual substance. There is no reason for assuming that a spiritual substance cannot exist; we have no more reason to doubt or deny the existence of spirits, than we have to deny the existence of bodies. Locke, in his treatment of the term substance—the term which plays so great a part in the systems of Descartes and Spinoza—plainly admitted his impotence. He says, "If anyone will examine himself concerning his notion of pure substance in general, he will find he has no other idea of it at all, but only a supposition of he knows not what support of such qualities, which are capable of producing simple ideas in us; which qualities are commonly called accidents. If anyone should be asked, what is the subject wherein colour or weight inheres, he would have nothing to say, but the solid, extended parts; and if he were demanded, what is it that solidity and extension adheres in," he would be in much the same plight as the Indian was who supported the world on the broad-backed tortoise. "And thus here, as in all other cases where we use words without having clear and distinct ideas, we talk like children. . . . The idea then we have, to which we give the general name substance, being nothing but the supposed, but unknown support of those qualities we find existing, which we imagine cannot subsist without something to support them,

we call that support, substantia, which means in plain English, standing under, or upholding." But again, in comparing our ideas of spirit and of body, he says, "In short, the idea we have of spirit, compared with the idea we have of body, stands thus: the substance of spirit is unknown to us; and so is the substance of body equally unknown to us."[55] An idea of substance in itself, that is, apart from any qualities in relation to our minds, is utterly barren; as we only conceive it as inconceivable—as nothing at all.

He treated at length of relations, including that of cause and effect, of identity and diversity, of clear and distinct, obscure and confused ideas, of adequate and inadequate ideas, of real and fanatical ideas, of true and false ideas. Strictly speaking, truth and falsehood belong only to propositions; but ideas are sometimes termed true or false, though when so styled, there is some tacit proposition assumed, as ideas are but bare perceptions in our own minds, and cannot in themselves be said to be true or false. Any idea which we have in our minds, whether it accords or not with the existence of things, or with any ideas in the minds of other men, cannot properly for this alone be called false. But an idea is false when formed of inconsistent qualities or elements, or when it is judged to contain in it the real essence of any existing body, whereas it only contains a few of these; or again, when the mind judges its own idea to be the same as it is in other men's minds, signified by the same word, when in fact it is not the same. He closed the Second Book with a short and interesting chapter on the "Association of Ideas." He was among the first to use this expression which is now so familiar to all students of psychology.

In the Third Book, Locke treated on language at length as the medium of stating and expressing our ideas and thoughts. Words are signs and marks which are necessary for communication—general terms and names of our ideas, considered as aids to the acquisition of knowledge, and for recording and communicating our thoughts. This part of the work is valuable, and contains some of Locke's best thoughts. He sums up his view of general terms in the following sentence:—"All the great business of genera and species, and their essences, amounts to no more but this, that men, making abstract ideas, and settling them in their minds, with names annexed to them, do thereby enable themselves to consider things, and to discourse of

[55] Ch. XXIII., Sect. 2, Sect. 30.

them, as it were in bundles, for the easier and readier improvement and communication of their knowledge; which would advance but slowly were their words and thoughts confined only to particulars."[56]

The Fourth Book dealt with knowledge and opinion, and extended to twenty-one chapters, in which many important and interesting matters are handled with great candour and ability. Such as the degrees, the limits, and the reality of our knowledge, of truth, universal propositions, maxims, the existence of God; the improvement of our knowledge, probability, and the degrees of assent; reason, faith and reason, and the causes of error, were all handled.

According to Locke, knowledge is the perception of the agreement or disagreement of our ideas; this agreement being fourfold, namely, identity or diversity, relation, co-existence or necessary connection, and real existence. He explained these kinds of knowledge and relations of ideas at length, and proceeded to show that we know our own existence, and the existence of God. His reasoning and arguments to prove the existence of God are founded on the principle of mediate inference, the only method which his system of the mind permitted; but on this ground he argues well and wisely.

Locke discussed the provinces of faith and reason, and though faith in divine revelation transcends rational knowledge, nevertheless nothing can be regarded as a revelation which directly contradicts well ascertained and distinct rational knowledge.[57]

In the discussion of the limits of human knowledge, though he made many true and sagacious statements, yet it was here, perhaps, that his main inconsistency culminated. Notwithstanding his doctrine that we have only an obscure and relative idea of substance, he adopted and expounded the distinction between the primary and the secondary qualities of bodies, describing the primary qualities as those which are inseparable from the conception of body. The primary qualities are really in bodies, whether our senses perceive them or not, and when we do perceive primary qualities, our ideas of them are resemblances of qualities really existing in these bodies. His own words are "that the ideas of primary qualities of bodies are resemblances of them, and their patterns do really exist in the bodies themselves." While, on the other hand, "the ideas produced in us by these secondary qualities have no resemblance of them at all. There is nothing like our ideas existing in the bodies themselves."

[56] Ch. III., Sect. 30. [57] Ch. XVIII.

Thus it seems we know primary qualities, not simply as manifested to us, but as they exist in themselves; thus too the primary qualities of bodies must be independent of the human mind. Hence when he came to treat of the limits of knowledge, no necessary connection between the primary and the secondary qualities could be discovered; because the ideas obtained through the primary qualities of bodies were entirely different from the ideas obtained through the secondary qualities, there was no common root among these ideas for comparison, and consequently no knowledge. There was no science of bodies, or definite physics: "because we want perfect and adequate ideas of those very bodies which are nearest to us, and most under our command. Those which we have ranked into classes under names, and we think ourselves best acquainted with, we have but very imperfect and incomplete ideas of. . . . Adequate ideas, I suspect, we have not of any body."[58] Here the door was opened for the scepticism which Hume deduced from the principles of Locke's Essay. In treating on the limits of our knowledge, Locke says:—"He that knows anything, knows this in the first place, that he need not seek long for instances of his ignorance. The meanest and most obvious things that come in our way have dark sides, that the quickest sight cannot penetrate into. The clearest and most enlarged understandings of thinking men find themselves puzzled, and at a loss, in every particle of matter. We shall the less wonder to find it so when we consider the causes of our ignorance, which, I suppose, will be found to be chiefly these three:—1. Want of ideas; 2. Want of discoverable connection between the ideas we have; 3. Want of tracing and examining our ideas."

[58] Book II., Ch. VIII.; Book IV., Ch. III.

I have not space to speak of Locke's other writings, and restrict myself to a few words on his ethical doctrines. He maintained that morality is solely based on the Will of God, and that what is most conducive to the public welfare is to be regarded as the expression of the Divine Will. Each man is required by the Divine Law to do all the good and prevent all the evil that he can; and good and evil being resolved into pleasure and pain, the ultimate test of moral conduct is its tendency to promote the pleasures and to avert the pains of mankind. Bk. I., Ch. III., Sect. 6; Bk. II., Ch. XXVIII.

Locke also maintained that morality is a science which can be demonstrated as clearly as mathematics. Bk. IV., Ch. III., Sect. 18; Ch. IV., Sect. 7; Ch. XII., Sect. 8.

Touching the will, he held that though a man is free to act, the will itself is always determined by motives; this theory is usually called determinism. Bk. II., Ch. XXI.

Although we have now a more scientific psychology than was possible in Locke's day, nevertheless, his "Essay concerning Human Understanding" is a great monument of his genius, and one of the most interesting works in this department of literature. Its merit consists in its method, its general scope, its vast variety of topics, and the spirit of candour which pervades it. It has had a wide and remarkable influence on subsequent speculation, and on psychology, though at first it met with opposition in various quarters.

At any given time, the causes favourable to the success of a novel line of thought are various and complicated, and without at all pretending to exhaust them, I may indicate some of the conditions which conduced to the acceptance of Locke's philosophy. A well-marked though slow transformation of thought had been proceeding in Europe for several centuries prior to Locke, which embraced in its sweep with more or less distinctness physical science, religion, ethics, and politics, while its social effects were manifested partly in the long political struggles of the different nations among themselves, and especially in the civil wars and internal conflicts of each nation within itself. This vast movement had a general tendency throughout toward greater freedom of thought, and religious and political liberty; but these results were more keenly and earnestly fought for, and sooner obtained in some of the nations than in others; in Britain the struggle for political and religious freedom was very severe but not prolonged. Hence Locke's philosophy being in accord with the general movement of the period, and more directly in unison with the intellectual and social tendencies of England, as manifested in the Revolution of 1688, it became a great power in history.[59]

There is a correlation between the creeds of a community and its political and social organisation. The belief in the divine right and the absolute power of a king, or a caste, the prevalence of certain moral views touching the nature of marriage, or the highest ends of national life, are often necessary for the continuance of a certain order of society. When the belief is modified, the order shakes and disappears, and the ties which hold a community together then

[59] Soon after the publication of Locke's Essay, opponents and critics, as well as defenders of it appeared, and Locke himself entered the field to defend some of his views, his controversy with Stillingfleet is well-known; indeed, many attacks were made upon his philosophy, but it is unnecessary to particularise them here.

assume a somewhat different form. Anything which involves an attack upon the theories implied in the existing social order, may modify the principles or notions upon which power rests. As a struggle between two different forms of government compels each to consider its own constitution, this may issue in strengthening or in weakening the chief features of their respective beliefs. In short, anything which really stirs the social organism, afford a chance for the progress of fresh seeds of thought and belief.[60]

Before the close of the seventeenth century, the discoveries in physical science, wider geographical knowledge than formerly, and many other influences, had enlarged men's conceptions of the universe. This was modifying religious ideas, while a marked tendency towards rationalism was manifesting itself in the current theology, as well as

[60] It is mainly by the thorough investigation of the subjects indicated above, in the two preceding paragraphs. and other cognate matters, aud the proper use of the sources of facts thus obtained, that philosophers can hope that at some future day there will be a science of sociology. "Then we shall unravel the laws of the growth of the social organism, and determine the conditions of its health or disease. Then, and not till then, will it be possible to present political science as a coherent body of doctrines, deduced from certain axioms of universal validity, but leading to different conclusions, according to the varying conditions of human society. We shall be able to say what form of government is most favourable to the happiness of a nation at any given period of its development. . . . But we are still so far from possessing anything like a science of politics, that most of the current maxims involve conceptions which could hardly find place in a scientific system. Fragments of the old theories by which men endeavoured to explain the origin of government, or to show how it might be best administered, still perplex our discussions, and hinder the attempt to lay a sound foundation of theory.

"The difficulty of discovering anything approaching to an historical development of political theory is the greater, inasmuch as theories have followed, more than they have guided, events. Happy is the nation which has no political philosophy, for such philosophy is generally the offspring of a recent, or the symptom of an approaching revolution. During the quieter hours of the eighteenth century, Englishmen rather played with political theories than seriously discussed them. The interest in politics was chiefly personal. References to general principles are introduced in rhetorical flourishes, but do not form the basis of serious argument. In the mass of pamphlets and speeches which fill our library shelves, it is rare to find even the show of political philosophy. The Tory argument is that De Foe has been put in the pillory ; the Whig argument is that the French wear wooden shoes. Walpole's friends rail at the Pope and the Pretender ; and Bolingbroke's friends abuse the excise and the Hanoverian subsidies."—Stephen's *History of English Thought in the Eighteenth Century*, Vol. II., pp. 130-131.

in philosophy. The movement in England appeared in various forms. Discussions and disputes touching the immortality of the soul began in the seventeenth century, increased amazingly after the Revolution, and were continued through the greater part of the eighteenth century. Locke had stated that matter might be endowed with the power of thinking. The opponents of Christianity maintained that the future existence of the soul was impossible, and many writers engaged in the discussion of this subject.

English Deism was in some degree effected by the philosophy of Locke. But the deistic creed was not essentially strong, as it was not founded on the deepest convictions, or associated with the most powerful emotions of the human breast, while its leaders lacked the glowing sympathetic feeling, and the warm aspiration, the intense earnestness, and the simple note of sincerity, which characterise the genuine apostles of mankind. The conception of the Supreme Being which the Deists presented, could not excite fervour in the heart of worshippers; yet, though Deism soon decayed and died, rationalism and scepticism have continued to spread.

Among the most eminent of the Deists who assailed the doctrines of Christianity, were John Toland, Matthew Tindal, and Anthony Collins; while on the other side may be mentioned, Samuel Clark, Bishop Berkeley, and Dr. Butler, and many other less known men. But the grounds and the methods of the attack and the defence of Christianity have undergone a transformation since the middle of the eighteenth century.

Toland published in 1696, "Christianity not Mysterious." The aim of this work was to show that there is nothing in the New Testament contrary to reason, or above it, and, therefore, no Christian doctrine can properly be called a mystery. Adopting Locke's definition of knowledge, he explained what was within man's reach of knowing; and maintained that statements which contradicted reason cannot be admitted, and if above reason they cannot be understood. Reason was our only safe guide; and Christianity itself does not claim to be mysterious. Many of his explanations, however, were crude and unsatisfactory.[61]

[61] Toland is the author of many pamphlets and unfinished fragments, political, religious, and on other subjects. A full account of his writings was given in Leland's *View of the Principal Deistical Writers*, 1754-56; compare Skelton's *Deism Revealed*, 2 vols., 1749; A. F. Farrar's *Critical History of Free Thought*,

Anthony Collins was a prominent representative of Deism, and is the author of several treatises, which were famous in their day. His "Discourse on Free Thinking" appeared in 1713, and in it he argued that all sound belief must be based on free inquiry, and seemed anxious to show that the adoption of this tenet would not necessitate the relinquishment of a belief in the supernatural. In 1724 he published his work entitled, "A Discourse of the Grounds and Reasons of the Christian Religion," containing a plausible attack on Christianity. But the most important of his works is the "Inquiry concerning Human Liberty and Necessity," and he gives the following account of its scope:—"1. Though I deny not liberty in a certain meaning of that word, yet I contend for liberty, as it signifies a power in man to do as he wills or pleases. 2. When I affirm necessity, I contend only for moral necessity, meaning thereby that man, who is an intelligent and sensible being, is determined by his reason and senses; and I deny man to be subject to such necessity, as in clocks, watches, and such other things, which for want of intelligence are subject to an absolute physical and mechanical necessity. 3. I have undertaken to show that the notions advanced are so far from being inconsistent with, that they are the sole foundations of morality and laws, and of awards and punishments in society; and that the notions I explode are subversive of them." The arguments which he advanced in support of his theory were six, namely: "1. From experience; 2. From the impossibility of liberty; 3. From the imperfection of liberty, and the perfection of necessity; 4. From the consideration of the divine prescience; 5. From the nature and use of rewards and punishments; 6. From the nature of morality." He worked out these arguments with much skill and ingenuity, and the following six objections were concisely but ably answered:—"1. That if men are necessary agents, punishments are unjust; 2. And are useless; 3. Reasoning, entreaties, blame, and praise, are useless; 4. Also the use of physical remedies is useless; 5. The reproaches of conscience are groundless; 6. The murder of Julius Cæsar could not possibly have been murder." The treatise is characteristic throughout, and had some influence on subsequent speculation.

Mathew Tindal held a fellowship in All Souls at Oxford, and was past seventy years of age when the first volume of his work, "Christianity as Old as the Creation," was published in 1732. Though the work was not remarkable for its method or grasp of thought, the

arrangement being confused and abounding in repetitions, yet it attracted much attention. Tindal maintained that natural religion is complete and sufficient, consequently a revelation is unnecessary, so there can be no obligation to accept it. All religion must have one aim, which is to attain human perfection of character by a life in accord with human nature. In a word, his theory is this: "Whosoever so regulates his natural appetites as will conduce most to the exercise of his reason, the health of his body, and the pleasures of his senses, taken and considered altogether, since herein his happiness consists, may be certain he can never offend his Maker; who, as He governs all things according to their natures, cannot but expect His rational creatures should act according to their natures." He stated that there is no difference between religion and morality, save that the one is acting according to the reason of things considered in themselves, the other according to the same reason of things considered as the rule of God; Christianity being only a republication of the law of nature.[62]

Anthony Ashley Cooper, third Earl of Shaftesbury, may be noticed among those whose writings have influenced subsequent ethical views. He was essentially a moralist, his chief aim being to show how a rational scheme of life might be formed. A belief in God was an element of his system. "For whoever thinks that there is a just God, and pretends formally to believe that He is just and good, must suppose that there is independently such a thing as justice and injustice, truth and falsehood, right and wrong, according to which he pronounces that God is just, righteous, and true. If the mere will, decree, or law of God be said absolutely to constitute right and wrong, then are these latter words of no significance at all." Thus it seems a sound theism follows from morality, not morality from theism. Hence also religion, according to the conception which it presents of the character of God, "is capable of doing great good or harm, and atheism nothing positive in either way."[63] Atheism indicates an unhealthy state of mind, as nothing can be more distressing "than the thought of living in a distracted universe from which many ills may be suspected, and where nothing good or lovely presents itself, nothing which can satisfy in contemplation or

[62] *Christianity as Old as the Creation*, pp. 2, 14, *et seq.*, p. 270; compare Stephen's *History of English Thought in the Eighteenth Century*, Vol. I., pp. 134-145.

[63] *Characteristics: An Inquiry concerning Virtue*, Bk. I., Part 3, Sect. 2.

raise any passion, besides that of contempt, hatred, and dislike." This tends to embitter the temper, and "to impair and ruin the very principle of virtue, namely, natural and kind affection." In the main, he argued that whoever has a firm belief in a just and benignant God has a far stronger incentive to virtuous action than those who have no such belief; and there is thus a relation between virtue and piety, as where piety is wanting "there can neither be the same benignity, firmness, or constancy, the same good composure of the affections, or uniformity of mind."[64]

He contended strongly for the existence of disinterested affection in man, and used the term "moral sense" to express his doctrine. He indicated the rise of this moral sense, and argued that it has a foundation in nature. "There is in reality no rational creature whatsoever who knows not that when he voluntarily offends or does harm to anyone, he cannot fail to create an apprehension and fear of like harm, and consequently a resentment and animosity in everyone that observes him. So that the offender must be conscious of being liable to such treatment from everyone, as if he had in some degree offended all . . . of this the wickedest creature living must have a sense. So that if there be any farther meaning in this sense of right and wrong, if in reality there be any sense of this kind which an absolutely wicked creature has not, it must consist in a real antipathy or aversion to injustice or wrong, and in a real affection towards equity and right for its own sake, and on account of its natural beauty and worth.

"It is impossible to suppose a mere sensible creature, originally so ill-conditioned and unnatural, as that from the moment he comes to be tried by sensible objects, he should have no good passion towards his kind, no foundation either of piety, love, kindness, or social affection. It is fully as impossible to conceive that a rational creature coming first to be tried by rational objects, and receiving into his mind the images or representations of justice, generosity, gratitude, or other virtue, should have no liking of these, or dislike of their contraries, but be found absolutely indifferent towards whatsoever is presented to him of this sort. A soul, indeed, may as well be without a sense, as without admiration in the things of which it has any knowledge. . . Sense of right and wrong, therefore, being as natural to us as natural affection itself, and being a first

[64] *Ibid.*, Sect. 3.

principle in our constitution, there is no speculative idea or belief which is capable immediately or directly to exclude or destroy it."[65] From these passages and from others of a similar import, it may be observed that several of Shaftesbury's ethical views were transferred into Scottish philosophy. His influence is also notable on Kant's doctrine of the relation between Morality and Religion.

Shaftesbury was a real optimist, and held that there was no positive evil in the world. He exerted all his eloquence and ingenuity in efforts to exalt the wondrous harmonies of nature. "Everything is for the best in the best of all possible worlds." In the opening section of the "Inquiry concerning Virtue," he argued that there can be no real ill in the universe. "If everything which exists be according to good, and for the best, then, of necessity, there is no such thing as real ill in the universe, nothing ill with respect to the whole. . . . To believe, therefore, that everything is governed, ordered, and regulated for the best, by a designing principle or mind, necessarily good and permanent, is to be a perfect theist."[66]

His usual method of arguing is that of placing alternatives before the mind; he manifests no great metaphysical grasp of principles, and his power of exposition was very limited. He often repeats himself, and his style, though sometimes vigorous, is diffuse and stilted.

Dr. Samuel Clarke was a great authority in his day, both in theology and in philosophy. But as his method of philosophising has almost ceased to have influence in Britain, I will only give a brief statement of his ethical theory and views.

His moral theory may be shortly stated as follows :—All existing things have their necessary relations one to another. Man must attribute the same law of perception to every being to whom he attributes thought, and, therefore, he must believe that the sum of the relations of all things to each other must have always been present to God; and these relations, then, are eternal, however recent the things may be between which they subsist; and the whole together constitute truth. These eternal different relations of things,

[65] *Inquiry concerning Virtue*, Part II., Sect. 3; Part III., Sect. I.; *Moralist*, Part III., Sect. 3.

[66] Part I., Sect. 2; also his *Moralist*, Part III., Sect. 1. The influence of these views is observable in the theory of the harmony between the kingdoms of nature and grace, developed in the "Théodicée" of Leibnitz; indeed, Shaftesbury's views had considerable influence in various directions.

one to another, involve a consequent eternal fitness in the application of things one to another, with regard to which the will of God always chooses, and which also ought to determine the wills of all subordinate rational beings. Such eternal relations make it fit and reasonable for the creatures thus to act; and, indeed, it becomes their duty so to act, prior to and independent of any foreseen advantage or reward.[67]

The three great classes of primary duties, namely, the duties we owe to God, to each other, and to ourselves, might be deduced in the same way as the propositions of geometry. Thus Clarke attempted to give the rules of morality a mathematical cast; and his theory also sought to found moral distinctions solely upon reason. But reason can never be a complete basis for morality, because it does not afford the motives of action. "The abusive extension of the term reason to the moral faculties, one of the predominant errors of ancient and modern times, has arisen from causes which it is not difficult to discover. Reason does in truth perform a great part in every case of moral sentiment. To reason often belong the preliminaries of the act; to reason altogether belongs the choice of the means of execution. The operations of reason, in both cases, are comparatively slow and lasting, they are capable of being distinctly recalled by memory. The emotion which intervenes between the previous and succeeding exertions of reason is often faint, generally transient, and scarcely ever capable of being reproduced by an effort of the mind. Hence the name of reason is applied to this mixed state of mind, more especially when the feeling, being of a cold and general nature, and scarcely ruffling the surface of the soul, such as those of prudence, and ordinary kindness, and propriety, almost passes unnoticed, and is irretrievably forgotten. Hence the mind is, in such conditions, said by the moralists to act from reason, in contra-distinction to its more excited and disturbed state, when it is said to act from passion. The calmness of reason gives to the whole compound the appearance of unmixed reason. The illusion is further promoted by a mode of expression used in most languages. A man is said to act reasonably when his conduct is such as may be reasonably expected." [68]

[67] *Being and Attributes of God*, Propos. 12; *Evidence of Natural and Revealed Religion.*

[68] Mackintosh's *Dissertation on Ethical Philosophy*, pp. 155-156, 1837.

Bishop Berkeley is the author of a form of idealism, explained in several works which appeared at different periods of his life. He maintained that the external world had no real existence in itself, apart from thinking and reasoning beings. By this he meant that matter and all external objects have only a phenomenal existence, an appearance, but no real existence at all, distinct from their being perceived by some person, or mind and spirit. If, therefore, we detach external objects from perception, they cease to be, because they have no existence apart from perception. All the choir of heaven, and all the bodies composing the mighty frame of the world, have not any substance without a mind; and that their very being is to be perceived as part of the significant sense-experience of a conscious person; "consequently, so long as they are not actually perceived by me, or do not actually exist in my mind, or in that of any created spirit, they must either have no existence at all, or they must exist in the mind of some Eternal Spirit." [69]

Thus in result, Berkeley's external world consisted of spirits, as it were, external to his own spirit; conscious, in concert with himself, of intelligible sense-impressions, by which they could communicate with one another. By a refined process of thought, he arrived at the conclusion that there was an external will and an external intellect, and that will and intellect constituted spirit. This was his explanation of the problem of the relation of the human mind to the external world.

In the later stage of the development of his views, he attempted to explain what is meant by God. He maintained that the supreme power is Spirit; God is more than the unknowable behind the phenomena of nature. God means the eternally sustaining spirit—the active conscious reason of the universe; the Supreme Spirit or Universal Mind. But he did not intend to reduce all to God and phenomena; he recognises the existence of finite free-agents, responsible and subject to a moral government. Still he seemed to approach the principle of pantheism.

The aim of his speculations was to extinguish the scheme of materialism; he thought that, when matter was expelled out of nature, sceptical and impious ideas would have no ground to stand upon.

[69] *Cf.* Berkeley's Works, edited by Professor Fraser, and the excellent volume by the same author on Berkeley and his Philosophy, in the series of "Philosophical Classics for English Readers."

But in the hands of subsequent thinkers, his principles have yielded very different results.

Berkeley wrote a fine pleasing style, and contributed much to excite the philosophic mind in England and Scotland. Indeed, he said himself that his reasonings had been nowhere better understood than among a club of young Scotchmen in Edinburgh.

In conclusion, the period covered in this volume has been exceedingly important in the history of Scotland. After the Union of the Crowns, the king's power was vastly increased, and one of the baneful results of this was that the kings used their power to enforce their own religious and political views upon the people, and attempted to extinguish their freedom of thought and speech, and their civil rights. Hence the Covenanting struggle, and after the Restoration the long and severe persecution of the Covenanters; yet, despite all the harassments of war, of persecution, and oppression, the Covenanters executed their work heroically and successfully, and contributed considerably to the Revolution of 1688, and to the freedom of the British people. Peace and glory to the memory of the heroes, who boldly faced danger, privation, and death for the tenets of their faith! The proceedings connected with the passing of the Union were narrated; and an account of the subsequent disaffection in Scotland, and the risings of 1715 and 1745 was presented. A detailed and exhaustive account of the social condition of the people, and the introduction of manufactures, the progress of industry and commercial enterprise were given. I then treated the ballad and Jacobite literature and other branches, historically, and noted the progress of science, of education, and art. In the closing chapter, I have presented an outline of European Thought, in which the systems of Bruno, Descartes, Spinoza, Leibnitz, Hobbes, Locke, Shaftesbury, and others are concisely expounded, in order to show the historic relations of the philosophy which subsequently arose in Scotland.

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